App. F. IX-4

193 /.

File No. 67-37

Previous References
Law/5-33-4-13-16,18-26 (Law)

Serial Nos. 1-9

Later References
Law Dept 92-37
" " 17-38
" " 25-38
" " 70-38
" " 71-38

PRESERVED

P

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Nil

(21)

Part B for March 1938

SUBJECT.

Representation of Mr J.C. Midford for financial help in connection with the suits filed for possession of properties of the Heart of Indian Mission

8-7 To the D.P.O. Dodabetta

" Dgcamd D-Love DP

" Exempt

" Rev Commr

WP. 3275-8 & 24.12-37

Directs that the payment of Rs 1500/- to Mr J.C. Midford - be met from the grants of the Education Department

11/4/38

WD 0295—GPB—22,500—13-8-37

Serial No.

~~Submitted~~

3270

Petition of 28.4.37 from Mr. J.C. Midford, Gudadahalli Estate, Dandeliapet Taluk to the Dewan.

1) Forwarded, with compts, to the Chief Sec. to Govt for favour of putting up a note on the case as desired by the Dewan (vide note on the top of the petition).

B.O.
Ca
3/5

1.5.37

2) Record.
Early. MS
3/5

Early 3) I think Law Section can deal with this petition forthwith. Any query afterwards

4) Submitted.
That reference has to be dealt with in the Law Section. The question of recovering assignment on certain leases from Mr. Midford has been submitted for orders of Govt. The Law Section is of opinion that the question of recovering assessment from Midford on the land may be dropped pending disposal of a civil suit filed by Mr. Midford. The connected file has been submitted to the First Member in Council on receipt of that file (G.O. No. 247 Rev. dated 4-5-37) it will also be examined by the Law Section for necessary action.
MS 4-5-37

5) I have put up a note
BNR
14.5.37

Rev. Bor)

6) Submitted with reference to the Dewan's order dated 30-4-37
Asst.
14-5-37

NOTE—Contn. Sheet.

WD 0417--GPB—30,000—8-9-36

14/5/37

Chief Secy

SECRETARY.
14 MAY 1937

6266

(7

File. No. of 193 . General and Revenue Secretariat

Serial No.

7) Paras 9, 10, 11 & 12 of the petn disclose certain matters which are outside the jurisdiction of a civil court. To what extent are the allegations contd therein verifiable? Is the request contd in para 15 of the petn still open for consideration?

Please 8) The Law asstt Sec? will please discuss this with me.

MK
21/5

9) Discussed with the Chief Secretary. Please put up the file relating to the grant of the Heart of India Mission Buildings at Doddaballapur (purchased by Govt) to the Y.M.C.A. for starting a Rural Reconstruction School.

BNR
25.5

Edn Branch)

SECRETARIAT
30.64
26 MAY 1937
GEN. & REV. SEC.

10) (Please see G.O. no. 675-5-60/Edn 35-33-8 dy 21.9.34). The Collection Edn 35-33 861-17 re: the establishment of a Rural Reconstruction Centre at Doddaballapur by the Y.M.C.A is placed below. Z

Subd
AR
26/5

11) Subd for perusal before sending the file to the Law Section)

Subd
26/5

JDM
26/5/37

Serial No.

12) Re. the allegations in para 9 of the petition, there is a bare reference in Law File 15-33. A petition presented to the Dewan by Mr. Midford was forwarded to the Director of Public Instructions for disposal. (See para 50 of the notes in that File). There is no further reference, however, to show that that petition was disposed of.

13) From the available Secretariat Files, it is not possible to verify the truth or otherwise of the allegations in paragraphs 10, 11 and 12 of the petition

14) I am afraid that the request contained in para 15 of the petition is not now open for consideration. Government had a lien over the Boys' Units, in respect of the sum of Rs 6000/- they had granted for the building. The Government had agreed to relinquish their lien over this property if Mr Midford paid back the grant of Rs 6000/-. He did not however, pay back the amount in reasonable time, and wanted extension of time and this request was refused by Government in their letter of 11-4-33. Shortly afterwards the Govt purchased all the properties belonging to Heart of India Mission under a registered sale deed dated 28-4-33

NOTE—Contn. Sheet.

WD 0417—GPB—30,000—8-9-36

Serial No.

Mr Mid ford ~~this loor~~ failed to utilise an Chance that was given to him. By an order dated 21.7.34 I am glad to see Government pleased to Sanction the proposal of the Y.M.C.A. for the opening of a Rural Reconstruction Centre at Doddaballapur in the buildings which were purchased by Government from the Heir of Hyder Nizam and to direct that the lands and buildings at Doddaballapur be allowed to be used by the Y.M.C.A. for the purpose for a period of ten years (10) Except the properties which are in the wrongful possession of Mr. Midford and in respect of which a decree for possession has been obtained by Government on 30.3.34, the Mill properties have been handed over to the possession of the Y.M.C.A. who have now been running a Rural Reconstruction Centre. By Virtue of the G.O. ~~As~~ mentioned above, and in pursuance of the agreement which the Y.M.C.A. have since executed, I think the Government have bound themselves to put the Y.M.C.A. in

Mr. Midford's Petition

(5

General and Revenue Secretariat | File No. | of 193 | [App. F. III—2

Serial No.

Mr Midford's properties also, (now in wrongful possession of Mr Midford) soon after they obtain delivery of the same through Court or otherwise

15) It looks to me therefore that in view of the developments subsequent to the failure of Mr Midford to avail himself of the Government's generous gesture, it is not now practicable to accede to his request in para 15

BKR
30.5.37

Chief Secy)

16) A note on the case placed below as also the asstt secy's note supra are submitted for perusal. In view of this, it does not seem possible to do anything for Mr Midford

1st September
Dewan

MRS
31/5

BKR
31.5

17) JRS
31/5

18) Should I obtain from C. Secy while Hon'ble Minister has for Mr Midford repeat the position & attitude of Govt. — what I do I want Govt to now.

19) CSB MRS 1.6.37 Despatch to Mr Midford asking him to see me on Monday at 10 A.M. MRS 31/5

(Letter to Mr. Midford issued)

DEWAN'S OFFICE ... 1937 No. 5420

31 MAY 1937 ... OF MYSORE. GOVT. OF MYSORE

OFFICE OF THE FIRST MINISTER TO GOVERNMENT 31 MAY 1937 No.

NOTE—Contn. Sheet.

WD 0417—GPB—30,000—8-9-36

Serial No.

20) By Viceroy's appointment Mr. Mitford met the Chief Secretary on 14.7.37. A note regarding the details of the interview is separately put up.

BNR 16/7

21) Mr. Mitford has addressed a letter to the Dewan on 4.9.37, alleging inter alia, that the power of attorney on which the Government relies for the validity of sale in their favour, has been tampered with in material particulars.

22) On 6.9.37, he explained to the Chief Secretary that Mr. Mitford has been urging that circumstance in favour of his contention in the District Judge's Court, and that the said question has to be investigated in the case, and such being the case, no action need now be taken regarding the allegation of Mr. Mitford.

BNR

23) As the execution 265/36-37 on the file of the Sub-Judge's Court, Bangalore is still pending and delivery of the properties

Serial No.

decreed in favour of Government, is asked for, Some orders have been passed on the petition of Mr Midford.

BSKR
29.9.37

Chief Secy)

24) A note is separately put up regarding the interview which Mr. Midford had with the Chief Secretary to-day.

BSKR
30.9.37

Chief Secy).

25) A separate note is put up regarding the interview which Mr Midford had with the Chief Secretary to-day.

SKR
1.10.37

Chief Secy)

26) From the discussions which took place yesterday, the position has become very much simplified. If Mr Midford acts up this promise and withdraws from the proceedings pending in the Courts and also gives up possession of the properties decreed in favour of Government,

WD 0284—GPB—30,000—13-3-37

the disputes between him and the Government will be at an end.

27) I may, however, be permitted to point out that the approximate Court Costs and mesne profits due from Mr Midford would be about Rs 7501-. This may perhaps be taken into consideration, if Govt are inclined to view with favour his request for financial help.

BMR
2.10.37

Chief Secy)

28) Separate notes are put up regarding the discussions which Mr. Midford had with me on 14th July 1937, 30th September 1937 and yesterday. (flags S. T and U.)

29) Now that Mr. Midford has decided to withdraw from the litigation and not to press the proceedkngs and also unconditionally give up possession of properties decreed in favour of Government, the disputes between him and Government will come to an end.

30) In view of this attitude of his, and in view of his various representations regarding his financial position, a sum of Rs.1,500 may perhaps be given to

Serial No.

him, as a matter of grace. The payment has, of course, to be made, only after Mr. Midford withdraws his original suit in the District Court and gives up possession of the properties decreed in favour of Government in pursuance of the decree of the Sub-Court.

OFFICE OF THE FIRST MEMBER OF COUNCIL
OCT 7 1937
No 1695

1st member & Dewan

31) Please discuss with me — MS 2/10 BKR 4.10.37

SOR 7/10 MS 8/10

OFFICE OF THE FIRST MEMBER OF COUNCIL
OCT 9 1937
No 1974

DEWAN'S OFFICE
15 OCT. 1937
No. 2631

32) Discussed the case with the member, and Explained the position. For orders

MS 9/10

1st member & Dewan

33) Strictly legally speaking, Mr Midford might have no claim on Govt; but in view of the circumstances set forth above, I agree to the payment of Rs 1500, purely as a matter of grace, if he will unconditionally withdraw the suit & bear his own co — Govt bearing their cost

SOR — 15/10/37

34) MS 15-10-37

MS 16/10. BKR 17.10.37

NOTE—Contn. Sheet.

WD 0284—GPB—30,000—13-9-37

6266236 | 10

Petition of Mr. T. C Midford.

Law File No. 67 of 1937

General and Revenue Secretariat

35) Draft G.O. is submitted as directed. It has been perused by the Chief Secretary. The Financial Secretary has been consulted regarding the payment of Rs 1505/-

36) for concurrence before issue. BKR 22.10.37

Gen. Secy) put up. 22/10. BKR 22.10

Fl Secy We do

37) This amount will have to be debited as part of the legal charges and debited to the same head as the latter.

22/10

38) For perusal before issue. BKR 23.10.37

1st member) MS 23/10

BKR 23.10.37

39) 23/10

40) Issue BKR 23.10.37

G.O. No. P. 2158, dt. 27-10-37

TYPING SECTION 5 pm 26 OCT 1937 GENL & REV. SECT

759

Petition of Mr J.C. Midford

(11

General and Revenue Secretariat

Law File No. 67 of 1937. [App. F. III—2

Serial No.

From

Mr T. C. Midford

Letter no nil, dated 28-10-37

States that he has withdrawn his Case against Govt Un-conditionally.

41) Mr J. C. Midford States that he has withdrawn his Case against Govt Un-conditionally. The P. Pr B'lore has also reported ~~that~~ that he has withdrawn his Suit against Govt (See linked file.).

42) Now that he has withdrawn the Case he may approach the Govt for payment of the Sum of Rs 1500/=. The payment of this amount will have to be deferred till a report from the D.C. B'lore Stating that possession of the properties in question have been taken, is received.

Submitted for perusal.

30/10

43) BNR 1.11

From

The Deputy Commr

B'lore

Letter no C.R.(a) 3104/36-37, of 10-11-37

States that Mr Midford has handed over the properties and that they have been taken

NOTE—Contn. Sheet.

WD 0284—GPB—30,000—13-9-37

Mr Midford's Case 1937 (12

File No. 67 of 1937. | General and Revenue Secretariat

possession of by the Amildar, Doddaballapur, and requests sanction for the payment of Rs 1500/= to Mr Midford.

4(4) The D.C. Bangalore reports that possession of the properties of Mr Midford have been taken over by the Amildar, Doddaballapur as per the Inventory (Flag W), and requests sanction of Govt for the payment of Rs 1500/= to Mr Midford.

4(5) As regards the source from which this amount has to be paid, L.S.G. Branch may be consulted whether the sum of Rs 1500/= could be met out of the provision made under "30 Public Improvements — Rural Reconstruction —" in the State Budget for 1937-38.

Submitted for orders.

12/11

4(6) Necessary funds for ~~the cost~~ of filing the suit against Mr Midford and ~~the cost~~ for filing the Revn. applns before the High Court were placed at the disposal of the Govt. Counsel by the Director of Public Instruction who think that

Copy of the order dismissing the Suit is flagged 'V'

2647

Mr Midford's case

(13)

General and Revenue Secretariat | File No. Law 67 of 1937. | [App. F. III—2

Serial No.

48) Yes

GENERAL SECRETARY'S
12 NOV. 1937
2649

The sum of Rs 1500/- now owed due paid to Mr Midford has also to be met from the Grants of the Edn Dept. If approved, the Director of Public Instructions will be required to arrange for payment of the amount to Mr. Midford and point out the source direct to the Comptroller.

BNR 12-11-37

Gen Secy 47) Qud 12/11/37

BNR 12.11.37

Hon'ble Chief Secy

First Member

48) MS 12/11

BNR 13.11

50) Whether the amount may be met from the legal charges may also be considered

JSR 13/11

Qud 13/11

51) Draft BNR 13.11

OFFICE OF THE FIRST MEMBER OF COUNCIL
NOV 13 1937
No. 2972

NOTE—Contn Sheet.

WD 03594—GPB—30,000—13-7-35

Mr. Medford's Case (14)

Law File No. 67 of 1937. General and Revenue Secretariat

52) Draft G.O. is put up.

53) With reference to the First Member's minutes at para 50 supra it is respectfully submitted that :—

(1) the Budget allotment under "18 Courts of Law, & Law Officers" is found to be insufficient even to meet the expenses falling under that head, so much so that additional allotment has to be asked for year after year;

(2) according to Rule 128 of the Rules for the Conduct of Legal Affairs of Govt., expenses connected with any suit will have to be met by the department concerned from out of its budget grants.

Submitted.

15/11

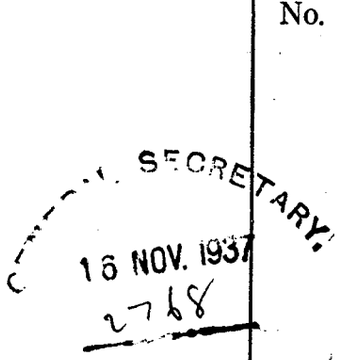
54) The draft G.O. may be approved.

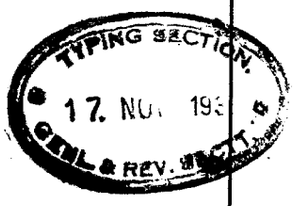
55) The point raised in the Member's minute will be worked up

Mr Midford's Case (15

General and Revenue Secretariat | Law File No. 67 of 1937. | [App. F. III–2

Serial No.





Separately and the file be submitted for orders

BKR 16-11-37

Gen. Secy

56) Done after perusal by Fe. Secy

Fin 16/11

BKR 16.11

Fin. Secy)

57)

58) Done now & re submit

BKR 17.11.37

Fe. Cum No 921

59) Draft of fair Submitted Fe Secy has seen his draft.

MK 17/11/37

60 Issue.

BM 17.11.37.

61 Issued. 17.11.37

G. O. no P. 2566, dt 17-11-37 Subd after issue.

17/11

62 Reference paras 46, 50 and 55.

64 For the last two years, the budget provisions under "18 Courts of Law and 2 Law Officers" are found insufficient and we are obliged to ask for additional grants. This year, our need for

NOTE—Contn. Sheet.

Re Mitford's Case (16)

Law File No. 67 of 1937. | General and Revenue Secretariat

Serial No.

additional grant will be much greater, in view of the P.P. being engaged in a number of Special cases and his normal work being looked after by Special P.Ps. In these circumstances it seems hardly possible to meet the expenditure in question from the legal charges.

6. Moreover, under Rule 128 of the Rules relating to legal affairs of Govt, expenses connected with the institution, defence and the conduct of any suit or proceeding will be met by the department concerned from out of its budget grants. As already pointed out in para 4 (6), certain items of expenditure in connection with this litigation have been met from the grants of the Hon. Advr. I think therefore that even the present expenditure has been met from those grants, and if approved, the A.I.D. will be requested to point out the source direct to the Comptroller & Treasury

BKR 21.11.37

Gen. Secy.

GENERAL SECRETARY 22 NOV. 1937

Hon Member

BKR 4.12

6

BKR 6/12

67 Please put up a draft Go

BKR 6.12

OFFICE OF THE HON'BLE MEMBER FOR FINANCE 4 DEC. 1937 No. 3074.

Kidgord's case 2847/P 3125/P (17

General and Revenue Secretariat

File No. Law 67 of 1937. [App. F. III—2

Serial No.

68) A draft G.O. is put up.

8/12

69) For approval

BKR 7.12.37

Gen. Secy)

70) Please revise d/f- indicating reasons for decision

BKR 13/12

BKR 13.12

GENERAL SECRETARY 7 DEC. 1937 3240

71) Submitted with a revised draft.

17/12

72) For approval

BKR 20.12

Gen. Secy) BKR 29/12/37

GENERAL SECRETARY 20 DEC. 1937 3549

73) Issue d/f approd.

Sec 29/12

GENL. & REV. SECTT. 1937

R-circ 203

74) Draft- amdts Rules.

BK 29/12

..... for perusal before communication.

H. Secy)

BK 29-12-37.

75) AS 29/12

76) Issue. BK 3.1.38.

Issue BKR 29.12

Issued

G. O. no. P. 3275, dt 24-12-37

NOTE—Contn. Sheet.

WD 0284—GPB—30,000—13-8-37

Refers to the photo of the Tile in the Kitchen roof showing the hole made by a gun shot fired on the night of 14.5.'32 when "SENTINELS" was

VIDE para 3 of Rev Petition dt 11-1.

J Comidford

Petitioner

(18

BEFORE AMIN-UL-MULK SIR MIRZA M. ISMAIL,K.C.I.E.,O.B.E.

DEWAN OF MYSORE, BANGALORE.

PETITIONER:- J.C.MIDFORD,
18/5th MAIN ROAD,
MALLESWARAM.

The Petitioner abovenamed being aggrieved with the result of the findings of the Chief Secretary to Govt:in regard to his complaints as set forth in his Petition dated 28-4-1937,begs to submit this REVISION PETITION on the following grounds:----

1. That you asked me to send in a Petition,through Lady Banerji,on the grounds that this case should never have gone into Court and that you were ignorant that it had,and that you would see what redress would be made,

2. That you were good enough to order an enquiry by the Chief Secretary to Govt:into certain allegations and grievances as set forth by the Petitioner in his Petition.He gave the Petitioner a patient hearing at each interview and ultimately he seperated the CIVIL aspect of the cases pending in Court against Govt:from the CRIMINAL nature of Petitioner's complaints.

3. The Petitioner respectfully begs to reiterate again in detail for your serious consideration the following criminal acts:--
That the interference of a Govt:Officer,namely Dr:Paul Chinnappa,on 14-5-1932,who prevented me by force from removing my furniture from the late Mission premises,and actually succeeded,for he had 17 men & 2 Policemen on my property & I was 1 mile away from the other property, which also formed part of the sale deed in my favour,where I was residing with my Wife.This criminal action not only involved me in the loss of my furniture valued at Rs 1,000/-but incidentally it was the begin of the ultimate cause of all the subterfuge that led up to my ultimately loosing all these properties,part of which was confiscated and my locks all broken & Govt:locks substituted nearly 1 years before Govt: actually purchased them from one Borthwick who had no power to sell property which had been sold to me by the Legal Representative of the said Mission.Regarding my Wife's fowls.I would refer you to Para 9 of my Petition dated 28-4-1937.These were her personal property for whcih she holds a receipt. On the 14-5-1932 herein mentioned.this same Govt: Officer says in his letter to Dr:Vincent,given to me for action,that he has "SET HIS SENTINELS". Needless to say you are conversant with the meaning of the word"SENTINELS". The same night many guns were fired round and about the bungalow occupied by us and the adjacent Kitchen which was entered and a shot put through the roof.The firing went on through that night-and the following nights.The next morning we examined the Kitchen-the entrance of which is about 6 feet away from the bedroom-and we found a hole in one of the tiles made by a shot fired from a gun,and the attention of the Police was drawn to this.Herewith enclosed is a photograph of the tile-~~with~~ showing the hole,for your information- I had this photo taken because so little attention ~~is~~ was paid to my reports to the local authorities concerned.
This terrorism continued and guns were fired on the premises during the (especially when they got me well into the open on my way to the station) early mornings,afternoons and nights.
I would refer you to Z.John's letter dated 16-5-1932,attached to my Petition above,in which he says that"Dr.Chinnappa has taken an undue" "advantage of things by acting as an independent and powerful Government" "Officer on the spot,which is indeed objectionable".(which he was)
His acts of oppression and repression against me as the mood took him, was done to show what Z.John has said and when I refused to give in he

GOVT. OF MYSORE

(19

he threatened to have me removed bodily on to the road! All these threats,intimidation,humiliation,the lowering of my prestige and the indignity of it all can only be characterised as A T R O C I T I E S

(For my discovery of 4 Guns without Licenses,the confiscation of 2 Guns by the Police & my report to the I.G.of Police,please refer to para 12 of my Petition)

4. That another Govt:Representative,Mr.J.R.Isaac,who trespassed on the premises lately occupied by Petitioner & his Wife,(on 20-9-1932) became most aggressive in his attitude and threatened the Petitioner and his Wife with criminal intimidation by saying "We are coming in "two days time and will bind you and your Wife's feet and hands "together and will throw you on the road". (Vide full details in para 10 of my Petition) At his trial he persistantly impressed the Judge that he did go to the premises on behalf of Govt: This remark prejudiced my case ,which was dismissed in his favour.

5. The next repressive measure was a public insult to my Wife and I uttered by Dewan Bahadur K.Matthan,while the Suit instituted against me in O.S.No:77 was still pending in the Subordinate Judge's Court and was"SUB-JUDICE".This Gentleman was the 1st Member of Council at that time and therefore a very important Govt:Representative, He remarked to the Amildar " Could you not turn out the Midford's from" "this place with the aid of the Police"? This is another instance of shere criminal intimidation.

6. That the said three Representatives of Govt:,mentioned above, had colluded together over 2 years previously to snatch away that portion of the Petitioner's late property,situated at Basettihalli Village,and hand it over to the Y.M.C.A. for Rural Reconstruction purposes in October 1937! This is a case of premeditated action in order to forcibly dispossess the Petitioner of certain properties legally purchased by him.

7. That your Government obtained a Defree against the Petitioner by taking shelter under the Doctrine of "Part Performance" in the Transfer of Property Regulations, WHICH SHOULD NEVER HAVE EXISTED, for the following reasons:- With due deference and without any interference on my part,may I be permitted to point out that had this Regulation been amended in 1929,as it should have been done on the same lines as in British India,then there would have been no room for a Decree against me in your Law Courts; I understand that this Regulation was amended as recently as October 1937 at the Representative Assembly at Mysore, WITH RETROSPECTIVE EFFECT, therefore I consider myself to be in the same position as I was before your Representatives broke into my Sale Agreement by taking my property by instalments,by instituting a case against me in your Courts and by SCATTERING by furniture valued at Rs 1,000/-to their own advantage. Your Govt:wanted this property regardless of how I was deprived of it and they have succeeded! In view of this new phrase namely: RETROSPECTIVE EFFECT-my valuation of Rs 33,450/-should be complied with,as submitted in my Petitiion dated 28-4-1937,which you asked to send in through Lady Banerji.
In addition to the loss of Rs 1,000/-for furniture,your Govt:has compelled me to incur a further loss of Rs 1,7000/-for defending the Suits in Court. 2 Court fee stamps cost me Rs650/-alone,while the fees for three Lawyers and the inconvenience of attending these cases over 130 times,and other costs etc:is the balance.
Mr:Doraswamy,the Govt:Advocate,remarked to the Judge when closing his case against me that"WE have nothing against Mr:Midford,Your Honour,he has purchased these properties according to Law,but according to the Transfer Property Act only part performance has taken place,WHICH APPLIES TO BRITISH INDIA,but does not apply to the Mysore Courts" Again I beg to submit that he should not have taken shelter under a Law which should have been amended by your Govt:8 years ago.
8. In view of all the occurances stated above the Petitioner hopes that he may be pardoned in drawing the following ALLEGORY:-That your Govt: were quick enough to punish recently by imprisonment 3 Lawyers who insulted Govt:,YET,the same Govt:are very slow in recognising the actual acts of criminal intimidation,insults,terrorism & humiliation,all amounting to ATROCITIES,which he and his Wife have suffered & which as

(20

a consequence has undermined their health, especially when firearms were used which might have ended in a TRAGEDY, had they not taken shelter in a dark room recess. This went on periodically during our stay at Dodballapur for over 5 years until we were ultimately expelled by a Law.i.e. the Doctrine of part performance which should never have existed in your Courts.
These occurances were reported to your Government by TEN LETTERS OF complaint, by personal interviews, by reports to the Local Authorities and by a lengthy complaint to Mr.Hamilton. the I.G. of Police, but all to no purpose, while Govt: have kept quiet by adopting the policy of a non-commital attitude by not replying to these complaints!
The Petitioner maintains that in consequence of the above he has been denied and deprived of the privileges of British Justice, the Law of Equity and the security of British Subjects residing in an Indian State.

9. That the Chief Secretary to Govt:, who was deputed to examine my Petition dated 28-4-1937, had several interviews with the Petitioner, and has failed to appreciate the most salient points at issue, although he lead the Petitioner to believe that "You will be pleased when you" "know the sum which I have recommended to Govt: that should be paid to", "you as compensation". *You will then see what gentlemen we are".*
His other remarks are as follows:---
(1) "So not only have they taken away your income but now they ~~have~~want t deprived you of your home!" This remark, coupled with yours, to~~#~~- me, i.e. "Keep in touch with the Chief Secretary. Whatever he recommends I will endorse", suggested to my mind that I would get the full value of the properties vide Petition, which, as I say, you asked me to submit through Lady Banerji, during the period when my cases were instituted against your Govt: for the recovery of same.
(2) He sympathised with me for all the criminal acts and repressive measures adopted against the Petitioner and his Wife.
(3) He promised to have his recommendation passed by you before your departure to Java as you could use your prerogative in such matters.
(4) On 1-10-37 the Petitioner was informed that you wanted the properties lately occupied by us, by the end of that month, for the Y.M.C.A., otherwise Govt: would execute their Decree against me. If I showed good-faith in doing this and withdrew the two cases pending against Govt: my expenses would be paid after their return from the Dasara.
(5) The Chief Secretary invited the Petitioner to his house on Sunday the 3rd Oct: since he wanted to make sure if the Petitioner would withdraw his cases in Court and would show good-faith by vacating the properties by the end of that month, as he wanted to convey the Petitioner's assurance to you at Mysore, where he was proceeding that night.
Again he referred to the amount which he had recommended and remarked that I would be pleased when I knew what it was.
There is only one inference to be drawn from these conversations betwee the Chief Secty: and Petitioner, and the impression left on the latter's mind was that adequate compensation was recommended which would satisfy the Petitioner.
On the return of the Chief Secty: from the Darara the Petitioner was informed-at an interview-that he would be paid Rs1,500/-now, and that he must continue to remind Govt: by another Petition, for the balance.
It will thus be observed that the Chief Secty:'s findings are all in favour of Govt: and too much of a one sided nature, but so far as the Petitioner is concerned he feels that he has been let down very badly.

This is false MS

Para 9 & sub-paras 1 to 5 are written WITHOUT PREJUDICE. J.C.M.

10. As a result of my report to Dr:Allan Vincent (who sold the Mission properties to me) about Dr:Paul Chinnappa's unwarranted behaviour and the assault of his Cousin, (one Manuel) on the Petitioner. The former severely attacked the attitude of the Indian Christians who had interfered with my legal rights and vehemently gave vent to his feelings in 4 letters addressed to the Petitioner dated 19th, 24th, & 28th May '32 and 15th June '32. All these letters have a very important bearing on the criminal intimidation towards the Petitioner by a responsible Govt: Officer and his Cousin Manuel. They should not be dealt with lightly-and should be read side by side with Z.John's letter dated 16.5.'32.
Vide copies attached to Petition)

11. That as a comsequence of all the ACTS mentioned above the Petit-

3594/37 (21

Petitioner has been completely deprived of properties valued at Rs 33,450/-and which was purchased by him at a bargain,i.e. Rs 10,ØØØ/- (Rs ten thousand)as part consideration for honorary services rendered by him to the Mission for 15 months,~~which~~,and as a matter of fact,he could have been earning at the rate of Rs 500/-(and much more) per men: during that period of 15 months(@ Rs500/-p-m-equals Rs 7,500/-)had he not been persuaded by Dr:A.Vincent not to go to Madras but to remain back and do honorary service for the Mission,for which the Home Board allowed him Rs 4,000/-reduction in price.This is where the bargain came in.Thus it will be seen that the Petitioner has sustained considerable loss,through no fault of his own,but by undue interference of those who represented the Government of Mysore. In addition to this,he and his Wife have been deprived of a Home after having lived there for exactly 6 YEARS & 4 MONTHS!

12. In compliance with the request of the Chief Secretary the Petitioner had an interview with you on the 3rd December to make a request for the balance of the compensation as recommended by him to Govt:,but after hearing him you informed him that you were not prepared to consider it and asked ~~him~~ him to consider his grievances a "closed "chapter". This the Petitioner is not prepared to accede to as such a request is foreign to him after all the foregoing occurances.

In conclusion,the Petitioner has exercised great tolerance and forbearance and requests that the balance of his value(since he has only received Rs 1,500/-up to date)of his properties purchased by him in the first instance,as shown in his Petition dated 28-4-1937,may be ordered to be paid to him at an early date.

Re amal-
achals part
thereof?

J. C. Muidford

Petitioner.

No:18/5th Main Road,)
Malleswaram.)
Bangalore City.)
11th DEC: 1937.

77) This man is a hopeless impractical fellow. I do not consider that the offer of Rs 1500 as now a matter of the Case proceeds with - apart from the total absence of sympathy or due sense of the title also in the head of a mal-adjusted man.

DEWAN'S OFFICE
14 DEC. 1937
No. 832

13-12-37

(Chief Sec)

78) Law Section. Refer

CHIEF SECRETARY
14 DEC. 1937

79) Reference files are put up. 14/12 14.12

Serial No.

Note

80 (a) It is surprising to find that after receiving so much kindness at the hands of Government, Mr. Midford should have thought fit to present what he calls a 'Revision Petition', and ask for the balance of money said to be due to him. It is also strange that he should compliment himself as having exercised great tolerance and forbearance all along.

(b) Notes of the several important interviews which Mr. Midford had with the Chief Secretary (I was present on all those occasions) have been kept in the file and are flagged I, J, K & L. From a perusal of those notes, it will be seen that on all those occasions, the Chief Secretary made it clear to Mr. Midford that the latter was quite free to proceed with the litigations pending in Court, and that any financial help which the Government might give him would only be in consideration of of hardships alleged to have been undergone by him, and the representations made by him from time to time regarding his financial position. Mr. Midford probably realised that there was no use in protracting a litigation in which he had absolutely no hope of success and that it would be to his advantage to withdraw the suit and thereby win greater sympathy of Government. He accordingly said in the interview on 1-10-37 that he had come to the conclusion that he would withdraw from the proceedings

WD 0284—GPB—30,000—13-9-37

then pending in Court. When the case came up before Court on 6-10-37, a statement was, however, made on his behalf that the suit had been settled out of Court and on 7-10-37 Mr. Midford wrote to the Chief Secretary that such a statement had been made in Court. The Chief Secretary took exception to such a statement in Court about the alleged settlement, when Government was no party to it and wrote strongly to Mr.Midford (see Chief Secretary's D.O.of 22-10-37, Flag Q). Mr.Midford met the Chief Secretary on the 25th October and expressed regret that the statement made on his behalf in Court on 6-10-37, should have created an impression that the Government was a party to the alleged settlement and promised to have the point cleared up on the next date of hearing. At the desire of the Chief Secretary, I read out the draft G.O. (which had been already approved) and explained it to Mr. Midford, and thus Mr. Midford knew that Government had sanctioned only Rs.1.500/- as a matter of grace, and no other sort of hope was held out to him. If he felt that the terms were not to his advantage, it was still open to him to have represented to the Court on 28-10-37 that he would press his suit. On the other hand Mr. Midford wrote to the Chief Secretary on 28-10-37 that the withdrawal was not with the cognisance and

consent of Government, but was of his own free will and accord and as a matter of fact, it was represented to the Court also on his behalf on that day that the suit was withdrawn unconditionally. It is thus obvious that it was purely a voluntary act on the part of Mr. Midford to have withdrawn the suit and handed over other properties to Government, and this act of his had nothing to do with the financial assistance which the Government contemplated to give him.

(c) While the facts are so clear, it is sad to find that a person who has every reason to be grateful, should, out of avarice, be making a false and unrighteous claim and trying to sustain it by making false allegations. The allegations in Para 9 of his petition are mostly a tissue of lies. The Chief Secretary never promised 'adequate compensation' for the property or to pay expenses incurred by Mr.Midford for the litigation. It is equally untrue that the Chief Secretary suggested that the grant of Rs.1500/- was only in part payment of his claim, and that Mr. Midford should continue to remind the Government for the balance. On the other hand it must have been clear to Mr.Midford from the draft G.O. that the only amount which he would receive from Govt. was Rs.1500, and that too as a matter of grace, and he should not

WD 0284—GPB—30,000—13-3-37

(25)

File No. of 193 . | General and Revenue Secretariat

hope for any further concession.

(d) It seems to me that having realised the amount so graciously ordered by Government, and feeling secure that execution proceedings would not be taken against him for recovery of mesne profits and costs, Mr. Midford is adopting the questionable method of making false allegations in support of a false claim.

(e) All the properties which the Government purchased from the Heart of India Mission, have now come to the possession of Government, and there is no further trouble on that score. The worst that Mr.Midford can do is to file a fresh suit in the District Judge's Court to get the dismissal order in O.S. 19 of 35-36 set aside, on the ground of alleged fraud, misrepresentation etc., on the part of Government. If he should file a suit and hope to succeed, he would only be hoping to achieve the impossible.

(f) Mr. Midford does not deserve the least consideration, and I think we may severely leave him alone and ignore his petition.

20-12-31

Chief Secy)

1st member & Dewan

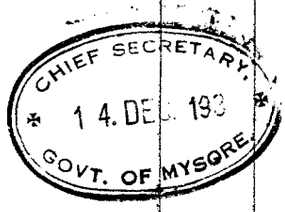
81 21/12

J. C. Midford's petition (c)

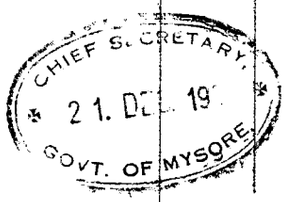
General and Revenue Secretariat | File No. | of 193 . | [App. F. III—2

Serial No.

82) Reference Files are put up
BKR
14.12.37
Chief Secretary)



83) A separate note is put up
BKR
20.12.37
Chief Secy)



84) The statements contained in paras 9 & 12 with reference to the interviews Mr Midford had with me are misstatements. Throughout the interviews, I made it quite clear to Mr Midford that the Govt. would not and could not interfere with the proceedings in the law courts and if anything could be done at all, it would be purely as a matter of grace.

85) Mr. Midford did not see me at my residence on the ~~8th~~ 3rd Octr at my request. He came there & first out if Govt. had passed any orders regarding the prohibitory relief under consideration. Similarly the statement in para 12 is false. I told Mr Midford that he had every reason to be grateful to the Govt. for having shown him such great consideration and that he should express his gratitude to the generous way in which he had been treated.

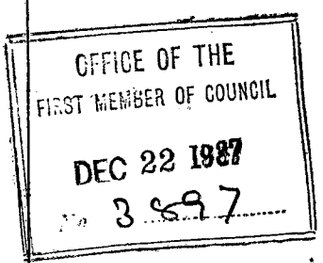
NOTE—Contn. Sheet.

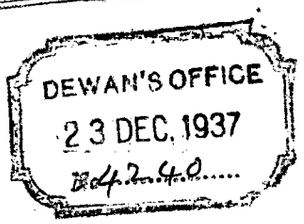
WD 0284—GPB—30,000—13-9-37

3594 (27)

File No. of 193 .

General and Revenue Secretariat





the appeal and sent away. It was a good thing that the Asst. Sec' Law Section was present at most of the interviews

Sir Members & Dewan

JMS 22/12

86) JPZ 23/12

87) JMS 23-12-37

JMS 24/12

JPZR 24.12

Petition of Mr Kidford 4073/28

General and Revenue Secretariat

Law File No. 67 of 1937

[App. F. III—2

Serial No.

DEWAN'S OFFICE
25 JAN. 1938
4918

From

The Private Secretary

to H. H. the Maharaja of Mysore.

Memo no 1848, dated 8th Jan: 1938.

Forwards for disposal the petition of Mr Kidford to H. H. the Maharaja of Mysore praying for certain redress in respect of certain property in Doddabalapur.

88) Kind reference is invited to paras 1 to 87 supra in which the previous petition of Mr Kidford have been dealt with.

Now he has submitted a petition to H. H. the Maharaja of Mysore (Flag X) praying for redress. The same has been forwarded here for disposal.

89) The petition (Flag X) is submitted for perusal and orders.

19/1

90) The matter has been fully considered in paras 80 to 87 supra. No further action seems to be necessary.

BKR
20.1.38

Gen. Secy [illegible] 21/1/38

Chief Secy) 'For perusal' BKR 21.1.38

MG 22/1

1st member & Dewan) 93) [illegible] BKR 24.1

[illegible] 25-1-38

[illegible] 26/1 BKR 27.1

CLERK OF THE
FIRST MEMBER OF COUNCIL
JAN 24 1938
No 4707

File Register and [illegible] 27-1-38

NOTE—Contn. Sheet

WD 0284—GPB—80,000—13-9-37

Mr Midford's case 4897 (29

General and Revenue Secretariat

File No. Laws 67 of 1937. [App. F. III—2

Serial No.

From

The Private Secretary

to H. H. The Maharaja of Mysore

Letter no. L. Dis 37/37-38, dated 15-2-38.

Forwards for disposal a letter dated 11th February 1938 from Mrs Midford.

95 Submitted with prekious references.

23/2 96 After voluntarily withdrawing the case, and receiving the sum of Rs 15000/-, granted by Govt as a matter of grace, Mr Midford addressed a 'Revision petition' to the Dewan. Orders were passed on that petition that no notice need be taken of it (Vide paras 80 to 87 supra)

97 Subsequently Mr. Midford addressed a petition to Private Secretary to H H the Maharaja and it was forwarded to Govt for disposal Orders were passed that no further action was necessary (Vide paras 90 to 94)

Flag A

98 Mrs. Midford has now presented a memorial to His Highness the Maharaja praying for the same relief which Mr Midford had prayed in his previous

NOTE—Contn. Sheet.

WD 0284—GPB—30,000—13-8-37

M.V. Mudford's case 4849 (30)

Law File No. 67 of 193). | General and Revenue Secretariat

applications. The allegations in the present petition are practically the same as in Mr. Mudford's applications and those allegations are generally untrue. It is a pity that these persons should persist in making a false claim and sustain it by false allegations. The present petition also does not deserve any serious notice. The last paragraph of the letter is hardly sane. BKR 24.2.38

Gen. Secy) Mo 24/2

BKR 24.2

Chief Secy) 99 For perusal. MS 24/2

1st member / Dewan } BKR 25.2

√ 27/2

Mo 1-3-38 → MS 2.3.38

BKR 2.3.38

DEWAN'S OFFICE 1 MAR. 1938 No. S.862

GENERAL SECRETARIAT 24 FEB. 1938 682

CHIEF SECY. 24 FEB. 1938 GOVT. OF MYSORE.

OFFICE OF THE FIRST MEMBER OF COUNCIL 2.3. FEB 25 1988 No. 5749

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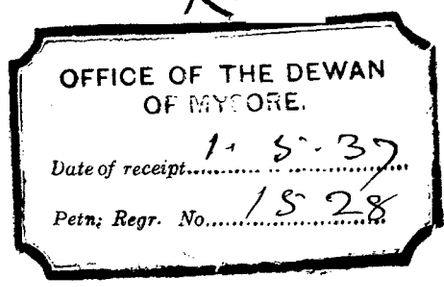
R.

Dewan's order of 30.4.37.
What is the real position in regard to this matter?



Law 67-37-1

BEFORE AMIN-UL-MULK SIR MIRZA M. ISMAIL,
K.C.I.E., O.B.E.,
DEWAN OF MYSORE, (CAMP) OOTACAMUND.

PETITIONER:-- J. C. Midford,
Gudadahalli Estate,
Dodballapur Taluk,
Bangalore District.

The Petitioner abovenamed most respectfully begs to state as follows:--

1. That a Christian Missionary Society, known as The Heart of India Mission Band, having its Head Quarters at Pasedena in California, U.S.A., was the absolute owner of certain immoveable properties at Bangalore, and at Basettihalli and Gudadahalli near Dodballapur, and considerable furniture and other moveable properties contained in their buildings at the said places.

2: That the said Mission was in possession of these properties through Dr. Allan Vincent who was their Superintendent here during the years 1930, 1931 and 1932 and their Sole Representative and Agent under a Power of Attorney granted by the said Mission.

3. That, in the year 1931, the Petitioner, who had sustained considerable loss

in

in his Mining business. was contemplating to leave Bangalore and to settle down at Madras to renew his business. Just at that time, the aforesaid Dr. Allan Vincent, who was then a good friend of the Petitioner had great sympathy for their Mission work, represented to the Petitioner that, as the Heart of India Mission was contemplating to wind up their activities in the Mysore State in the near future, and wanted to dispose of their properties in Mysore State, and also as Dr. Allan Vincent was then unable to devote his time for the Mission work as he had then to learn Tamil and to appear for some Examination. he induced the Petitioner to abandon the idea of his going to Madras and requested him to do Honorary work for his Mission and offered to sell all the Mission properties at Dodballapur to the Petitioner for a consideration of Rs.10,000/- so that the Petitioner might settle down at Dodballapur once for all instead of going to Madras or elsewhere.

4. The Petitioner believed him and accepted the terms and agreed to purchase the properties and do the Honorary work for the Mission, and enable Dr.Vincent to devote his time for his studies; and accordingly on 1-7-1931, Dr. Vincent executed an Agreement of Sale in favour of the Petitioner agreeing to sell all the properties belonging to

to the Mission at Dodballapur except the property known as the Girls' Home wherein only the furniture and other moveables were sold, and delivered possession of all the properties to the Petitioner and agreed to have the transaction duly completed by a regular Sale Deed in due course.

5. That as, at that time, one Miss. F.A.Young was in occupation of the Girls' Home, the Petitioner could not remove the furniture and other moveables contained therein, though they were included in the sale to him, and he agreed to remove them as soon as that lady left Dodballapur for America.

6. That, as the Petitioner represented to Dr. Vincent and Miss. Young that, in consideration of his services to the Mission, some reduction might be shown to him in the sale consideration, they agreed to do so and said that they would submit his representation to the favourable consideration of the Home Board.

7. The Petitioner accordingly abandoned his idea of going to Madras and went to Dodballapur and took possession of the properties sold to him and was engaging himself in the Missionary work, and was awaiting the departure of Miss. Young to take possession of the furniture and other moveables contained in the Girls' Home and Hospital, and was also awaiting the decision of the Home Board regarding the reduction

reduction of the sale consideration that was promised, so that the sale transaction may be completed.

8. That, pursuant to their intention to wind up their activities in Mysore, the said Mission, through Dr. Vincent, their Superintendent and Agent, also sold their other property in Bangalore, known as the Bible Hall in Cunningham Road, to Major Denton, for Rs.8,000/-

9. That, on 13-5-1932, Miss. Young left Dodballapur for America, and, as was understood, the Petitioner went to the Girls' Home on the next day to remove the furniture and other moveables sold to him. But not only was the Petitioner prevented from doing so by Dr. Paul Chinnappa who had gone there with a number of men and two Policemen, and who represented that he was there on behalf of the Government of Mysore, but the Petitioner was also badly insulted and was criminally intimidated. That, while the Petitioner was in the act of removing the furniture, Dr.Paul Chinnappa used very objectionable language, and his cousin, one by name Emanuel, a Catechist in the employ of the Wesleyan Mission, suddenly rushed up to the Petitioner with his fists closed and shouting, and attempted to assault the Petitioner. But, as there was a table intervening, he was not able so.

And

And when the Petitioner appealed to Dr.Chinnappa about the attitude of his cousin,. the Petitioner was asked to clear out and, if he did not do so, he would have the Petitioner - removed bodily on to the public road. The Petitioner,being helpless, left the place instructing one Armadamma, the woman in charge there, to send the fowls and sheep which had been bought by Mrs. Midford from Miss. Young, to his house that evening. And when that - woman came with the sheep and the fowls, it was discovered that five fowls were missing, and, when questioned, she said that Dr. Chinnappa forcibly took them away in his car along - with some moveables, such as Guitars, wearing apparel and certain other articles of furniture bought by the Petitioner and his wife. And when the said woman filed a Complaint before the Police for the theft of these articles, the Police refused to take action for reasons that are bettter left to conjecture; and when the Petitioner wanted to move in this matter and, for that purpose, applied to the District Superintendent of Police for a copy of Armadamma's complaint, he refused to assist the Petitioner and declined to grant the copy. The Petitioner was thus rendered helpless, and - could not do anything. Though he reported - this occurrence to Dr. Vincent, and though Dr. Vincent wrote to Messrs. T.John, J.R.Isaacs and N. S. Subba Rao, to see that the articles are restored to the Petitioner, nothing came of it as they all played into each other's hands to defraud

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defraud the Petitioner. And when Miss. Young was informed of this, she lost no time in sending an Affidavit sworn before the Notary Public of Los Angeles, U.S.A., that the articles of furniture, etc., left in the Girls' Home belonged to the Petitioner and that the Mysore Indian Christian Education Fund Association, of which Dr. Chinnappa was the Vice-President and Mr. K. Matthan was the President, had no right to take them, and that the articles taken by them should therefore, be restored to the Petitioner. But no notice was taken of it, and the Petitioner never got back the properties.

10 That, probably being aggrieved at the Petitioner's activities, the said Mysore Indian Christian Education Fund Association sent Mr. J.R.Isaacs, Secretary of the Y.M.C.A., Bangalore City, to dispossess the Petitioner of the properties in his possession; and Mr.Isaacs trespassed into the Petitioner's properties on 20-9-1932, in company with three other Christians, and represented to the Petitioner that he had come there on behalf of the Government of Mysore to take over possession of the properties from the Petitioner, and, when the Petitioner asked him to show his authority to do so, Mr. Isaacs became most aggressive in his attitude and threatened the Petitioner and his wife with criminal intimidation by saying, "We are coming in two days' time and will bind you and your wife feet and hands together and will throw you on the road."

11. Fearing

11. Fearing bodily injury to himself and his wife, the Petitioner filed a complaint before the First Class Magistrate, Dodballapur, but he could not get any Justice and his complaint was dismissed.

12. Then, as a last resort, and that as the several unlawful acts of criminal intimidation and insults were perpetrated by persons who called themselves the representatives of the Government, the Petitioner approached the Government for redress by interviews, petitions and letters addressed to the First Member in Council and to the Secretary, General Department. But all these petitions and letters were ignored by Government, and the Petitioner got no redress. But, on the other hand, his harassment became more acute. The Amildar, the Sheikdar and even the Patel and the Shanbhogue began harassing the Petitioner and his wife to give up possession, and they were further terrorised by guns being fired on the Petitioner's premises during the day, at evenings and in the nights by Indian Christians and others who held no licenses for Firearms. The Petitioner, with great difficulty, traced four such guns without licenses, and one gun with powder and caps was confiscated by the Police on 6-12-1932 through the information furnished by the Petitioner; and another unlicensed gun was actually snatched by the Petitioner from a man who fired it on his premises at 6 P.M. on 26-3-1935, and the Petitioner

Petitioner had to walk the distance of over 3½ miles from Gudadahalli, his place of residence, to Dodballapur in the night to deliver the gun and the man to the hands of the Police. The Petitioner, thereafter, submitted a petition to Mr. F.A.Hamilton, Inspector-General of Police in Mysore, about all this, but his petition had the same fate as his other petitions, and no reply was sent to him.

13. And, above all this, to add further injury to insult, Mr. Matthan, while presiding at a Public Meeting held at the Y.M.C.A. Rural Reconstruction Centre at Dodballapur early in June 1935, remarked to the Amildar who was present then, "Could you not turn out the Midfords from this place with the aid of the Police?" From this, it is not difficult to imagine why his various petitions have been fruitless and why he has been so cruelly persecuted.

14. Thereafter, on 19-3-1934, the Government, probably with a view to help the Y.M.C.A.Rural Reconstruction, to whom the Petitioner's properties were handed over, instructed the Deputy Commissioner of Bangalore to file a suit against the Petitioner in Original Suit No.77 of 1933-34 on the file of the Subordinate Judge, Bangalore for recovery of possession of all the lands which were in the possession of the Petitioner and

the

the buildings other than those whose possession had already been wrongfully taken away from the Petitioner as aforesaid, and for mesne profits at Rs.50/- per month. The Deputy Commissioner claimed in that suit - for recovery of possession of the said properties on the ground that he had purchased the said properties and all other properties of the Heart of India Mission situate at Doddballapur for a consideration of Rs.2,000-0-0 under a Sale Deed dated 28-4-1933 from one Mr. Borthwick, who was said to be an Agent of the Heart of India Mission.

15. The Petitioner contested the said suit, and, among other things, denied the authority of Mr. Borthwick to sell the said properties to Government, and the propriety of - the Government in purchasing them, especially when the Government had notice of the Agreement of Sale in favour of the Petitioner and had, as a matter of fact, recognised the Petitioner as owner in possession and offered to relinquish their lien on the "Boys' Home Unit" for a consideration of Rs.6,000/-. The Petitioner begs to submit that, when he came to - know about the sale by Mr. Borthwick, he discovered that, when Dr. Vincent sold the properties to the Petitioner, he had failed to disclose to the Petitioner the fact that, in addition to the property known by the Girls' Home which was specifically excluded from the sale in favour of the Petitioner, the building

known

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known as the "Boys' Home Unit" had also been subsidised by the Government by a grant of loan of Rs.6,000/-. As soon as he came to know of it, the Petitioner approached the Government and offered to pay the said sum of Rs.6,000/- to the Government as soon as he was authorised to do so by the Heart of India Mission of America with whom he was then in correspondence about the reduction in the sale consideration. The Government were good enough to accept the Petitioner's offer. But, though the Heart of India Mission in America was good enough to reduce the sale price from Rs.10,000/- to Rs.6,000/- in consideration of the Honorary Services rendered by the Petitioner for their Mission for over 15 months, they had not yet decided about authorising the Petitioner to make payment of the said sum of Rs.6,000/- to the Government. But, in the meanwhile, the Government precipitated the issue by filing the suit against the Petitioner, as aforesaid.

16. - The Petitioner had also learnt in the meanwhile that Mr. Borthwick was not a duly accredited Agent of the Heart of India Mission and that he had no right to sell the properties to Government, and that the Home Board had not ratified the said transaction.

17. That, accordingly, in the said suit, the Petitioner impeached the validity of

of the sale in favour of the Government and wanted to establish all the above facts by the Examination of the President, the Secretary and Miss. Young of the Heart of India Mission, and prayed for a Commission to be issued for their examination in America. But the Petitioner's request was declined, and he was rendered helpless and the Government had their own way, and, under the circumstances the result of the suit could only be one way and the suit was decreed in favour of the Government. And, aggrieved by the said decision, the Petitioner went up in Appeal before the High Court who returned the appeal to be presented before the District Court, Bangalore, where it was accordingly presented and is now pending disposal in Regular Appeal Number 298 of 1936-37, on the preliminary questions of maintainability and Limitation.

18. That, throughout this period, though the Petitioner was ready and willing to perform his part of the contract, the Heart of India Mission did not complete their part of the Contract and never moved in the matter and left the Petitioner to fight with the Government as best as he could. The Petitioner, therefore, was obliged to file a suit against the Heart of India Mission for Specific Performance of the Contract of Sale, and as by then the Government had claimed to have purchased these properties and were in possession of some of the said properties, the Government had

had also to be impleaded as a party to the said suit . The Government, through the Government Pleader who said that he was instructed not only by the Government b u t also by Mr. Borthwick who is said to represent the Heart of India Mission, are n o w opposing the Petitioner's suit, Original Suit No.19 of 1935-36 on the file of the District Court, Bangalore, and, as the Petitioner objected to the Government making common cause with Mr. Borthwick and disputed the latter's authority to represent the Heart of India Mission in America and insisted on Summonses being issued to the Heart of India Mission in America, the learned District Judge has reserved orders on this matter.

19. But, ~~xxx~~ in the meanwhile, t h e Amildar, being instructed by the Deputy Commissioner of Bangalore and apparently without any orders from the Court, has been threatening to evict the Petitioner from the possession of his properties. And, though the Petitioner prayed that he was prepared to obey any orders from the Court and that till then he may not be molested, his prayers seem to have fallen on deaf ears. His application before the District Court for Stay of Execution pending the disposal of his appeal, is also not yet granted. Under these circumstances, the Petitioner is being hard pressed on all sides and is at his wit's end.

20. Irrespective

20. Irrespective of the legality or otherwise of Mr. Borthwick entering into - this sale transaction, the Petitioner feels that the Government have not treated h i m fairly. That, as soon as he came to know that the property known as "The Boys' Home Unit," included in his sale transaction, had been subsidised by the Government and that the Government had a claim over it to the extent of Rs.6,000/-, the Petitioner, as an honest man, approached the Government a n d informed the Government of the circumstances of his sale and furnished them with a copy - of his Agreement of Sale and copies of all - his correspondence, including the copy of the Cablegram which he received from America regarding the reduction in the sale consideration, and offered to pay the Government t h e money advanced by them as soon as he was enabled to do so by the Heart of India Mission in America, as, under the Agreement of Sale, he had to pay that sum to the Heart of India Mission and therefore, without their permission, he could not legally make the payment to Government. The Government having accepted to receive this sum from the Petitioner, virtually recognising the Petitioner's ownership in the said properties, led the Petitioner to believe in the bonafides of the Government to allow him to negotiate with the Heart of India Mission regarding the adjustment of the sale consideration. But the Petitioner - never thought that the Government having thus

got

got all the documents from the Petitioner, would enter into negotiations with Mr.Borthwick behind the back of the Petitioner and would enter into the sale transaction to undermine the Petitioner and to defeat his rights in the properties, and further would file a suit against him and make use of the very documents which were given to them in trust, as it were, against the Petitioner, and put all obstacles in the way of the Petitioner getting his evidence, and thus score an unrighteous victory over him by getting a Decree against him which at best is only based on a technical point because, as pointed out by the learned Government Pleader, the doctrine of Part Performance which applies in British India does not apply in Mysore.

21. Whether it was the intention of the Government or not to help either the Mysore Indian Christian Education Fund Association or the Y.M.C.A. Rural Reconstruction work, it pains the Petitioner to find a group of Indian Christians posing themselves as the representatives of the Government, and, in the name of the Government, resorting to unlawful acts of violence and criminal intimidation to evict two old and peaceful citizens of the Mysore State from their properties which they were in possession of lawfully. The Petitioner is surprised to find that, under the

the Benign Government of Mysore, it was possible for two British Subjects who had the misfortune to purchase properties in Mysore State, to be so harassed. The Petitioner ~~is~~ and his wife were induced to purchase these properties with a view to settle down peacefully in their oldage. But, if they had known what sort of treatment was in store for them and what kind of protection they were likely to get at the hands of the Government, they would rather have migrated to Madras as they originally intended than purchase these properties and be subject to such treatment with such consequences.

22. That, in respect of the justification of the attitude taken by the Government, the Petitioner begs to state that, irrespective of the validity or otherwise of their sale transaction, the Government were no doubt entitled to get back the properties known as the Girls' Home and the Boys' Home Unit for building which the Government had subsidised a sum of Rs.10,000/- and Rs.6,000/- respectively under two Agreements entered into with the Heart of India Mission on 27-6-1927 and 26-6-1928 respectively, when the said Mission failed to keep up to the terms of the said Agreements. The Petitioner never prevented the Government from taking possession of the said properties, and also the Mission Bungalow and the Chapel attached to the Girls' Home and a Building known as Kerr's Memorial, though the

the said Bungalow and Chapel and the Memorial were not built out of any funds advanced by Government, but were built out of a donation of Rs.15,000/- given by Mrs. Kerr, an American Lady in memory of her husband. This bungalow and Chapel, in addition to the Girls' Home and the Boys' Home Unit, which two were specifically subsidised by the Government, would have amply repaid the Government of their dues in addition to leaving a large profit of Rs.15,000/- for the investment. There was, therefore, no justification for the Government to have got included in their sale the other four buildings situate in Sur.No. 56 of Basettihalli, and the three cottages, a Chapen and a Kitchen situate in Survey No. 69 of Gudadahalli, together with lands comprised in the said two Survey Numbers, and Sur.No.57 of Basettihalli and Sur. Nos. 67, 68, 70, 71 and 86 of Gudadahalli, comprising in all about 74¼ acres of land consisting of a Mango Grove, Honge Tope and other fruit-bearing trees, besides several stone-rivetted wells including a borewell. All of these were the property of the Mission over which the Government had no lien, and the Heart of India Mission were at liberty to sell and the Petitioner was at liberty to purchase. But the Government had all these properties, which are of the value of several thousands of Rupees, included in their sale transaction for which they paid Mr. Borthwick a paltry sum of Rs.2,000/-. The

Petitioner

Petitioner has, therefore, every reason to think that the Government entered into this sale transaction not so much with the object of safeguarding their interests, but with a view to defeat the Petitioner's sale and to help the Indian Christians representing the Mysore Indian Christian Education Fund Association and the Y.M.C.A. At any rate, to remove all the furniture and other moveables which the Petitioner had bought, has not even the legal cloak to justify it, as the Sale - deed in favour of the Government was purely in respect of immoveable properties specified therein, and no furniture or other moveable - was ever sold to them under the said Sale Deed. However, it seems it is a case where might is right and the Petitioner, whatever might be his rights, was helpless against a strong opponent.

23. That, ever since they stepped into the property, neither the Petitioner nor his wife have ever known a peaceful moment. They are being continually harassed and, beginning from the Patel and the Shanbhogue right up to the Amildar and the Deputy Commissioner, all are bent upon driving the Petitioner and his wife out of the estate. They are thus having a precarious existence, and, under the circumstances, they cannot get any help even to have their lands cultivated. To add to this, the Petitioner, in having to defend the suit

filed

filed against him by the Government and in his filing a suit against the Heart of India Mission and the Government, had to incur considerable expenditure by way of Court Fees, Advocates' Fees, Copying Fees and Travelling expenses in coming to Bangalore for over a hundred times in connection with these suits, amounting to Rs. 1,623-4-3 up to date, and it is hard to assess at any money value the mental suffering and annoyance the Petitioner and his wife have suffered these six long years on account of the criminal intimidation, insult, assault and continuous persecution to which they have been subjected for no fault of their own.

24. The Petitioner has, therefore, been impelled to submit this petition before Your Honour as the Fountain-head of Justice, hoping that his humble petition would receive a favourable consideration at your hands and that Justice would be done to him. The Petitioner ventures to submit that he is prepared to have any settlement with the Government which is equitable and just.

25. The Petitioner begs to submit herewith two Rough Sketches of the several buildings found on Sur. No. 56 of Basettihalli and Sur. No. 69 of Gudadahalli, and he also files copies of the several letters and documents which bear out the facts set out

in this petition. The Originals of these letters and documents are filed in Court.

26. The Petitioner prays that he may be pardoned for this lengthy petition and that Justice might kindly be done to him.

Dodballapur,
28th April, 1937.

J. C. Bridford
PETITIONER.

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LIST OF DOCUMENTS FILED WITH THE PETITION.

1. Rough Sketch showing buildings situate on Sur. No.56 of Basettihalli.

2. Rough Sketch showing buildings situate on Sur. No. 69 of Gudadahalli.

3. Photo copy of Sale Agreement dated 1-7-1931.

4. Copy of letter dated 19-5-1932 from Dr. Vincent to Petitioner.

5. Copy of letter dated 24-5-1932 from Dr. Vincent to Petitioner.

6. Copy of letter dated 28-5-1932 from Dr. Vincent to Petitioner.

7. Copy of letter dated 15-6-1932 from Dr. Vincent to Petitioner.

8. Copy of letter dated 26-2-1932 from Dr. Vincent to Mr. David Root Nash, wherein reference i
Petitione

9. Copy of letter dated 16-5-1932 from Mr.Z.John to Dr. Vincent.

10. Copy of Affidavit sworn by Miss. Young at Los Angeles on 11-6-1932.

11. Copy of Cablegram dated 19-11-1932 from the Secretary of the Heart of India Mission to Petitioner.

12. Endorsement dated 12-12-1934 issued by the District Superintendent of Police, Bangalore, to the Petitioner.

J.C. Midford

DODBALLAPUR,
28-4-1937.

PETITIONER.

PUBLIC ROAD FROM BANGALORE

PLAN OF LATE GIRL'S HOME, MISSION BUNGALOW & CHAPEL (KNOWN AS KERR'S MEMORIAL) HOSPITAL, DOCTOR'S QUARTERS OUT-HOUSES, WITH 12 ACRES & 17 GUNTAS OF LAND, AND, MANGO GROVE WITH 4 ACRES & 2 GUNTAS. S. Nos 56 & 57.

(2)

11: 6.

S. No. 57. 4 ACRES & 2 GUNTAS

MANGO TOPE.

BASETTIHALLI VILLAGE

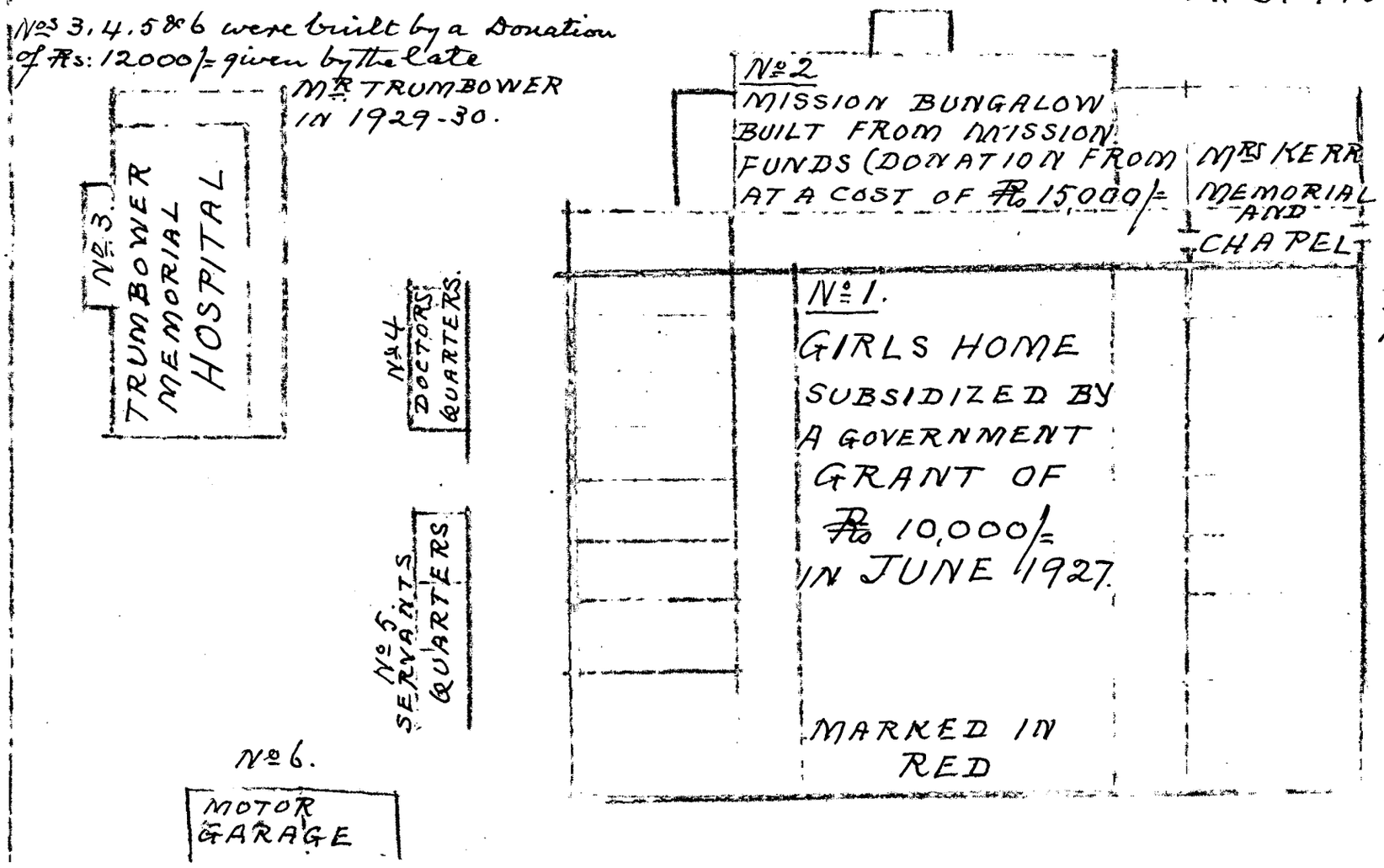
S. No 56 - 12 ACRES & 17 GUNTAS.

1 - GOVERNMENT BUILDING MARKED IN RED. No 1.

1 - MISSION BUNGALOW — do: — PURPLE (No 2) HANDED OVER TO GOVT: WITHOUT ANY CONSIDERATION!

4 MISSION BUILDINGS MARKED IN PURPLE SOLD TO PLAINTIFF Nos 3, 4, 5 & 6.

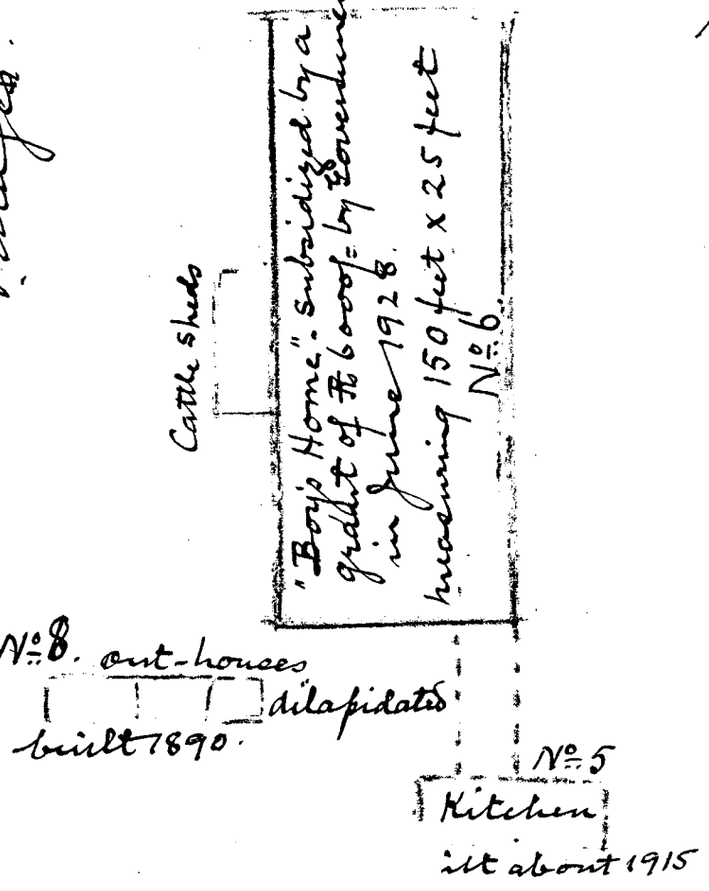
Nos 3, 4, 5 & 6 were built by a Donation of Rs: 12000/= given by the late Mr TRUMBOWER IN 1929-30.


No 3.
TRUMBOWER MEMORIAL HOSPITAL
No 4 DOCTORS' QUARTERS.
No 5. SERVANTS QUARTERS
No 6.
MOTOR GARAGE
No 2
MISSION BUNGALOW BUILT FROM MISSION FUNDS (DONATION FROM AT A COST OF Rs 15,000/=
Mrs KERR MEMORIAL AND CHAPEL
No 1.
GIRLS HOME SUBSIDIZED BY A GOVERNMENT GRANT OF Rs 10,000/= IN JUNE 1927.
MARKED IN RED
NOW OCCUPIED BY Y.M.C.A.
'RAL RECONSTRUCTION CENTRE
(APRIL 1937)

PLAN OF Late Boy's Home & Mission ~~Bungalows etc:~~ PROPERTY
(Survey Nos: 67. 68. 69. 70, 71 and 86) Comprising ~~57 50~~ acres
& 12 Guntas

{58 acres & 12 Guntas}

~~Anthatti~~ Enadadahalli Village. (22)



No: 3.
Cottage
built about 1929.

S. No: 67 -	10	ACRES	2 GUNTAS
" 68 -	6	"	6 "
" 69 -	9	"	21 "
" 70 -	6	"	23 "
" 71 -	22	"	—
	53		52 = 1A + 12 S.
	1-12		
Total =	54-12		
No: 86 (omitted)	4-0		
	58-12		

No: 6 - GOVT: BUILDING MARKED IN RED

No: 1, 2, 3, 4 & 5 - MISSION BUILDINGS MARKED IN PURPLE

No: 8 — do: do: - SINCE FALLEN DOWN.

(24

Copies of 4 letters from Dr:Vincent to Mr:Midford in which he refers to The Mysore Indian Christian Education Fund Association, to Dr:S,P,Chinnappa, to Mr:J.R.Isaac and others in most disparaging terms. These letters have a most important bearing on the whole case as it shows up the vacillating character of Dr:Vincent who sold me the Mission Properties.

YERCAUD,
I9-5-I932.

Dear Mr.Midford,

I was glad to get yours of I8th. I got your other 2 O.K. I registered my last two as one never knows!.
In my letter to Govt:(and in copy to John) I handed over Girl's Home and Boy's Home Unit-but did not mention Hospital or land. If they are in possession of the Hospital, how can we get them out? I enclose another sweet letter from Dr:Jackal Chinnappa, please read it and return it for my collection. I am just sending a p.c. Dr.Vincent "acknowledges receipt" BUS. till we decide what to do with him. I have John's signed receipt for Miss Young's letter. He says Chinnappa wrote the allegations of your attack on Patel & made him sign it. I suppose you had no witness as to your innocence?

I also wrote to Mr.Isaac, O.B.E., Y.M.C.A., Bgle:City(Pres. of the Jackal Assn:) complaining of the way you were thwarted in moving the furniture, and also of the THEFT OF THE FOWLS AND GUITARS. He, I think, is a fairly decent man. I have urged Mr. Borthwick to take possession of the Hospital. We could moreover put a padlocked lid on the Well in the Mango tope and keep them from using it. Even if Mr.B.doesn't come we could do this. As things are now we may arrive back about June 3 or 4, but you can keep this information to yourself at present.

Signed :- A.V.

YERCAUD,
24-5-'32.

Dear Mr.Midford,

Many thanks for yours of 22nd(Sunday) I am writing Mr.B.to urge him on no account to leave Hospital. I wrote this to Bangalore. If he is out there please ask him to post me on the key of our house(registered post)at once. it must come here-to Yercaud. My exam.is very close now. Will write later giving details of my movements and probable date of return. Impress on Mr.B.not to leave Dod.unprotected. This is important. I have kept the letters you sent me and will forward them.

Will deal with Platton matter on my return. Excuse haste-am just going out-no time for more. Your letters often take 2 days-do mine take as long? Salaams to Mrs.Midford.

Yours,
Signed:- A.V.

I don't think its any use Amirdham sueing Dr. C. as he can easily BRIBE THE JUDGE; CONSULT WITH B. RE THIS.

YERCAUD,
28-5-'32.

Dear Mr.Midford,

Forgive my not replying before. My exams have meant extra pressure on me. Also I am packing up for Kotagiri and after that any time I expect to return. Cannot give definite date yet.

Although you have right on your side, and should be given justice, I fear that any law suit against the JACKAL will end in failure. He can ~~xxxiiy~~ simply PULL ALL THE WIRES, AND WITH A LITTLE BUCKSHEESH HERE AND THERE(SAY¾ A

A FOWL OR TWO) CAN EASILY CORRUPT JUDGES AND POLICE. SO I REALLY WOULD NOT ADVISE YOU TO GO TO LAW!

ALL THE LAWYERS SAY "A GOOD CASE"; by this they mean "MONEY IN MY POCKET" which is all they care for. I fear it is worthless throwing good money after bad. At any rate I advise that you do nothing till you see me in Bangalore. Then we can talk over things better than by by correspondence. Excuse this scribble. I have to pack up to-morrow It is late now. Mother joins me in her best wishes to you both. She will write to Mrs.Midford soon. We got her letter re the various assaults on Dod by JACKAL.KAFFIR;PUNCHER & Co.(unlimited)

IF THEY ALL GATHERED IN THE GIRL'S HOME, AND THE ROOF FELL IN, IT WOULD ONLY BE A JUST REWARD FOR SWINDLING. HOWEVER, we can safely leave them all to GOD. He is still on the throne. Excuse my enclosing this in Mr.R's. I am too tired to get another envelope.

Yours,
Signed:-- A.V.

SUNDAY. John writes asking me to a meeting on my return. I am replying that they must first hand over the furniture. I enclose Rs.II/- Please give Sweeper Watchwoman Rs.IO/-the other is your Bus fare, Any day will do. Tell her if she came before March I5 she had better pay me rent!!! Any day you have to go into Bang: will do to pay Sweeper, lady!

9, Cunningham Crescent,
Bangalore, S. India. I5-6-'32.

Dear Mr.Midford,

Thank you for your two letters. Forgive my not writing before. I have been up to my eyes in work.

NO NEWS FROM JACKALLS. I VISITED ANOTHER MEMBER OF THEIR PACK TO-DAY (I DON'T KNOW HIS NAME) and ENQUIRED BUT GOT NO MORE SATISFACTION. Since Mother wrote she has been poorly again & has had to stay in bed. However, I am glad to say she is better to-day but I am afraid we cannot come out on Saturday. The journey would be too much for her, and she has not been out in the Car around here yet. I enclose Rs.IO/-for Girl's Home expenses. I will enquire re Prema. I feel I ought not to press my views upon you re the matter of taking action against Dr.C.; and I do not think you should withdraw simply to avoid my being drawn into Court. On carefully pondering the matter I feel you should be free to act as you think best in this case. Hope Mrs.Midford is better now.

With salaams. Yours,
Signed :--- A.V.

Copy of a letter from Dr:Allan Vincent to Mr:David Foot Wash, Plymouth introducing his friend Mr:J.C.Midford, "WHO HAS BEEN HELPING US IN THE MISSION FOR SOME TIME".

Hon:Superintendent:
Dr:A.A.B.Vincent, M.B., Ch:D.
9, Cunningham Crescent,
Bangalore, S.India, 26-8-'13.

Dear Bro: Wash,

This is to introduce a friend of mine, Mr:J.C.Midford, who has been helping us in the Mission for some time.

He has some Legal affairs which he will place before you, & I will be very grateful if you can help him. He is intending appealing to the Privy Council. I expect your Father & Mother have shown you my letter & recent Circular. We will value your prayers for our work.

Xtian greetings,
Yours and HIS,
Signed:- Allan Vincent.

David Foot-Wash Esqr:,
Solicitor, &c, Prudential Buildings, PLYMOUTH.

ORIGINAL FILED IN COURT.

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Copy of a letter from Z. John, Hon. Secretary, in I.C.E.F. Association dated 16th May 1932, to Dr. Vincent at Yercaud.

=====

Dear Dr. Vincent,

I am in receipt of your letter dated 15th inst. The undated letter is written by Dr. S.P. Chinnappa and though it has my signature yet, it it has not my consent which please note. Whatever that took place on Saturday (14-5-32) in Dodballapur, was most unchristian I should admit, and I never thought that some of us or at least two of us would behave such an unworthy manner.

I really sympathise with Mr. Midford. In my opinion Dr. Chinnappa ha no business to interfere with my work (i.e. taking possession of the buildings)in so doing he had not only neglected and overruled the Secretary but also has taken an undue advantage of things by acting as an independent and powerful Government officer on the spot, which is indeed objectionable. Let not this true information trouble in the least Doctor, for with the help of the Committee, I hope to adjust matters satisfactorily in the near future. The Association is keen on starting the Boarding School soon provided, you sent the money we are in need of at an early date. I am really very sorry for what all happened on Saturday while I was there to take possession of the buildings as per your desire. It looks very strange to me to find men of higher worldly position in life with no knowledge of the precious saying our our LORD. "What shall it profit a man", "If he shall gain the whole World and loose his own Soul"?

Please treat this as a personal information and oblige.

With kindregards,

Very sincerely yours,

Sd/- Z. John.

"True Copy".

Copy

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A F F I D A V I T.

I, Florence A. Young, at present residing at 1245 N. Sierra Bonita Avenue, Pasadena, Calefornia U.S. America, do make oath and say as follows.

1. I was Missionary in charge of the Girl's Home of the Heart of India Mission Band of California, situated in Doddaballapur, Mysore State, S. India until May the 13th 1932, when I left my position to go to America on deputation work.

2. The Heart of I. M. Band Inc. has transferred its properties in Doddaballapur to The Mysore Indian Christian Education Fund Association after the suggestion was made for various reasons by some of the leaders of this Association to effect a temporary transfer, with possession, before my departure which would be duly confirmed by the Superintendent of the Said H.I.M. Band, Inc.

3. The actual properties involved were (1) a Girl's Home, known as 'Children's Paradise" (2) Mission Bungalow attached to Girls Home. (3) Hospital with Doctor's quarters, out houses and other appurtenances belonging to them (4) Boy's Home Unit (5) Thirteen acres and seven guntas of land on which No.1 is built.

4. The temporary transfer made by me to meet the urgent need which the situation demanded was effected on certain terms and conditions to which all the parties mutually agreed; manely (a) That item No.3, that is. the Hospital with doctor's quarters etc., would be deemed to be held as in the possession of the M.I.C.E.F. Asspciation only as a safeguard against the probability of forcible possession by a third party. (b)That the said M.I.C.E.F. Association, would write a letter to the superintendent of the said H.I.M.B. Inc. Making it very clear that only temporary possession was given to them by me for reasons stated above and that they would gladly hand back absolute possession to the said H.I.M.B. Inc. when they were called upon to do so.

5. I now learn with grave concern that the leaders of the said Mysore Indian Christian Education Fund Association have already broken faith and gone back on their word of honour to write the letter in question and they have forcibly retained possession of certain furniture which was left in the Girl's Home and Missionary Bungalow and was never intended to be

handed

to be given to Mr. J.C. Midford on authority of
handed over to them but/the Superintendent in India of the Heart of India
Mission Band Inc. Dr. Allan Vincent.

6. This unchristian act, amounting to dishonesty, has shocked me more
than words can describe, especially/ as I was convinced in my mind that I was
dealing with honourable christian gentlemen of high spiritual character for whose cause I recommended the transfer of these properties both to the American Board of Control and to the Superintendent in India of the H.I.M.B. Inc. with success and as the result of which I left for America to go on deputation work with a view of raising funds to further the work of the saidM.I.C.E.F.Association.

7. This deplorable act on the part of the leaders leaves my mind in grave doubt and I must conclude that there must be some mistake somewhere which I am praying will be cleared up by God in His Providence.

Signed Florence A. Young. July 11th 1932.

State of California.

County of Los Angeles:--SS.

On this 11th day of July 1932, personally appeared before me, the undersigned Notary Public, within and for the County of Los Angeles, stateof California FLORENCE A. YOUNG, who is personally know to me to be the person whose name is attached to the foregoing Instrument of writing, and she has asknowledged to me that she executed the same, and certified that the facts stated therein are true.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal this 11th day of July 1932.

Signed A.H. Houng, NOTARY PUBLIC.

My Commission Expires January 15th 1936.

Seal:

A.J. Young, Notary Public. Los Angles.
Cou: Cal.

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Vide para 2.

Hon. Superintendent :
Dr. A. A. B. VINCENT, M.B.,Ch.B.,
0 Cunningham Crescent,
Bangalore.

Cunningham Road,
BANGALORE, S. India

True copy of Telegram.

D.L.T.

131-20. Pasadena - California - Eaton 19½

Midford - Doddballapur - 9-7 A.M.

Will accept Sixthousand rupees Net deposit in Quilon Bank have Bank Cable Jacques Pasadena Board Secretary

ORIGINAL FILED IN COURT.

Received at Doddballapur on 20-11-1932

Pet 430/7

Office of the ~~Superintendent of~~
Bangalore District.

Dated, Bangalore, the 12-12-1934.

Reference

Enquiry 3-11-'34 from J. C. Midford
Yadadahalli Dodballapur prays for a copy of
the Complaint filed by one Ammadhanna in the
police station of Dodballapur in May 1932 against
Dr Paul Chinnappa

endorsement.

The Petitioner is hereby informed that a copy of
Complaint filed against him cannot be ~~sent~~
granted ~~as per~~

Dasaiah

WAR.

(34

BEFORE AMIN-UL-MULK SIR MIRZA M. ISMAIL,
K.C.I.E., O.B.E.,
DEWAN OF MYSORE, (CAMP) OOTACAMUND

PETITIONER:-- J. C. Midford,
Gudadahalli Estate,
Dodballapur Taluk,
Bangalore District.

The Petitioner abovenamed most respectfully begs to state as follows:--

1. That a Christian Missionary Society, known as The Heart of India Mission Band, having its Head Quarters at Pasedena in California, U.S.A., was the absolute owner of certain immoveable properties at Bangalore, and at Basettihalli and Gudadahalli near Dodballapur, and considerable furniture and other moveable properties contained in their buildings at the said places.

2. That the said Mission was in possession of these properties through Dr. Allan Vincent who was their Superintendent here during the years 1930, 1931 and 1932 and their Sole Representative and Agent under a Power of Attorney granted by the said Mission.

3. That, in the year 1931, the Petitioner, who had sustained considerable loss

in

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in his Mining business, was contemplating to leave Bangalore and to settle down at Madras to renew his business. Just at that time, the aforesaid Dr. Allan Vincent, who was then a good friend of the Petitioner and who knew that the Petitioner had great sympathy for their Mission work, represented to the Petitioner that, as the Heart of India Mission was contemplating to wind up their activities in the Mysore State in the near future, and wanted to dispose of their properties in Mysore State, and also as Dr. Allan Vincent was then unable to devote his time for the Mission work as he had then to learn Tamil and to appear for some Examination, he induced the Petitioner to abandon the idea of his going to Madras and requested him to do Honorary work for his Mission and offered to sell all the Mission properties at Dodballapur to the Petitioner for a consideration of Rs.10,000/- so that the Petitioner might settle down at Dodballapur once for all instead of going to Madras or elsewhere.

4. The Petitioner believed him and accepted the terms and agreed to purchase the properties and do the Honorary work for the Mission, and enable Dr.Vincent to devote his time for his studies; and accordingly on 1-7-1931, Dr. Vincent executed an Agreement of Sale in favour of the Petitioner agreeing to sell all the properties belonging to

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to the Mission at Dodballapur except the property known as the Girls' Home wherein only the furniture and other moveables were sold, and delivered possession of all the properties to the Petitioner and agreed to have the transaction duly completed by a regular Sale Deed in due course.

5. That as, at that time, one Miss. F.A.Young was in occupation of the Girls' Home, the Petitioner could not remove the furniture and other moveables contained therein, though they were included in the sale to him, and he agreed to remove them as soon as that lady left Dodballapur for America.

6. That, as the Petitioner represented to Dr. Vincent and Miss. Young that, in consideration of his services to the Mission, some reduction might be shown to him in the sale consideration, they agreed to do so and said that they would submit his representation to the favourable consideration of the Home Board.

7. The Petitioner accordingly abandoned his idea of going to Madras and went to Dodballapur and took possession of the properties sold to him and was engaging himself in the Missionary work, and was awaiting the departure of Miss. Young to take possession of the furniture and other moveables contained in the Girls' Home and Hospital, and was also awaiting the decision of the Home Board regarding the reduction

reduction of the sale consideration that was promised, so that the sale transaction may be completed.

8. That, pursuant to their intention to wind up their activities in Mysore, the said Mission, through Dr. Vincent, their Superintendent and Agent, also sold their other property in Bangalore, known as the Bible Hall in Cunningham Road, to Major Denton, for Rs.8,000/-.

9. That, on 13-5-1932, Miss. Young left Dodballapur for America, and, as was understood, the Petitioner went to the Girls' Home on the next day to remove the furniture and other moveables sold to him. But not only was the Petitioner prevented from doing so by Dr. Paul Chinnappa who had gone there with a number of men and two Policemen, and who represented that he was there on behalf of the Government of Mysore, but the Petitioner was also badly insulted and was criminally intimidated. That, while the Petitioner was in the act of removing the furniture, Dr.Paul Chinnappa used very objectionable language,- and his cousin, one by name Emanuel, a Catechist in the employ of the Wesleyan Mission,- suddenly rushed up to the Petitioner with his fists closed and shouting, and attempted to assault the Petitioner. But, as there was a table intervening, he was not able to do so.

And

And when the Petitioner appealed to Dr.Chinnappa about the attitude of his cousin, the Petitioner was asked to clear out and, if he did not do so, he would have the Petitioner removed bodily on to the public road. The Petitioner,being helpless, left the place instructing one Armadamma, the woman in charge there, to send the fowls and sheep which had been bought by Mrs. Midford from Miss. Young, to his house that evening. And when that woman came with the sheep and the fowls, it was discovered that five fowls were missing, and, when questioned, she said that Dr. Chinnappa forcibly took them away in his car along with some moveables, such as Guitars, wearing apparel and certain other articles of furniture bought by the Petitioner and his wife. And when the said woman filed a Complaint before the Police for the theft of these articles, the Police refused to take action for reasons that are bettter left to conjecture; and when the Petitioner wanted to move in this matter and, for that purpose, applied to the District Superintendent of Police for a copy of Armadamma's complaint, he refused to assist the Petitioner and declined to grant the copy. The Petitioner was thus rendered helpless, and could not do anything. Though he reported this occurrence to Dr. Vincent, and though Dr. Vincent wrote to Messrs. T.John, J.R.Isaacs and N. S. Subba Rao, to see that the articles are restored to the Petitioner, nothing came of it as they all played into each other's hands to

defraud

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defraud the Petitioner. And when Miss. Young was informed of this, she lost no time in sending an Affidavit sworn before the Notary Public of Los Angeles, U.S.A., that the articles of furniture, etc., left in the Girls' Home belonged to the Petitioner and that the Mysore Indian Christian Education Fund Association, of which Dr. Chinnappa was the Vice-President and Mr. K. Matthan was the President, had no right to take them, and that the articles taken by them should, therefore, be restored to the Petitioner. But no notice was taken of it, and the Petitioner never got back the properties.

10. That, probably being aggrieved at the Petitioner's activities, the said Mysore Indian Christian Education Fund Association - sent Mr. J.R.Isaacs, Secretary of the Y.M.C.A., Bangalore City, to dispossess the Petitioner of the properties in his possession; and Mr.Isaacs trespassed into the Petitioner's properties on 20-9-1932, in company with three other Christians, and represented to the Petitioner that he had come there on behalf of the Government of Mysore to take over possession of the properties from the Petitioner, and, when the Petitioner - asked him to show his authority to do so, Mr. Isaacs became most aggressive in his attitude and threatened the Petitioner and his wife with criminal intimidation by saying, "We are coming in two days' time and will bind you and your wife feet and hands together and will throw you on - the road."

11. Fearing

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11. Fearing bodily injury to himself and his wife, the Petitioner filed a complaint before the First Class Magistrate, Dodballapur, but he could not get any Justice and his complaint was dismissed.

12. Then, as a last resort, and that as the several unlawful acts of criminal intimidation and insults were perpetrated by persons who called themselves the representatives of the Government, the Petitioner approached the Government for redress by interviews, petitions and letters addressed to the First Member in Council and to the Secretary, General Department. But all these petitions and letters were ignored by Government, and the Petitioner got no redress. But, on the other hand, his harassment became more acute. The Amildar, the Sheikdar and even the Patel and the Shanbhogue began harassing the Petitioner and his wife to give up possession, and they were further terrorised by guns being fired on the Petitioner's premises during the day, at evenings and in the nights by Indian Christians and others who held no licenses for Firearms. The Petitioner, with great difficulty, traced four such guns without licenses, and one gun with powder and caps was confiscated by the Police on 6-12-1932 through the information furnished by the Petitioner; and another unlicensed gun was actually snatched by the Petitioner from a man who fired it on his premises at 6 P.M. on 26-3-1935, and the Petitioner

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Petitioner had to walk the distance of - over 3½ miles from Gudadahalli, his place of residence, to Dodballapur in the night to deliver the gun and the man to the hands of the Police. The Petitioner, thereafter, submitted a petition to Mr. F.A.Hamilton, Inspector-General of Police in Mysore, about all this, but his petition had the same fate as his other petitions, and - no reply was sent to him.

13. And, above all this, to add further injury to insult, Mr. Matthan,while presiding at a Public Meeting held at the - Y.M.C.A. Rural Reconstruction Centre at Dodballapur early in June 1935, remarked to the Amildar who was present then, "Could you not turn out the Midfords from this place with the aid of the Police?" From this, it is not difficult to imagine why his various petitions have been fruitless and why he has been so cruelly persecuted.

14. Thereafter, on 19-3-1934, t h e Government, probably with a view to help the Y.M.C.A.Rural Reconstruction, to whom t h e Petitioner's properties were handed over , instructed the Deputy Commissioner of Bangalore to file a suit against the Petitioner - in Original Suit No.77 of 1933-34 on t h e - file of the Subordinate Judge, Bangalore for recovery of possession of all the lands which were in the possession of the Petitioner and

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the buildings other than those whose possession had already been wrongfully taken away from the Petitioner as aforesaid, and for mesne profits at Rs.50/- per month. The Deputy Commissioner claimed in that suit - for recovery of possession of the said properties on the ground that he had purchased the said properties and all other properties of the Heart of India Mission situate at Doddaballapur for a consideration of Rs.2,000-0-0 under a Sale Deed dated 28-4-1933 from one Mr. Borthwick, who was said to be an Agent of the Heart of India Mission.

15. The Petitioner contested the said suit, and, among other things, denied the authority of Mr. Borthwick to sell the said properties to Government, and the propriety of - the Government in purchasing them, especially when the Government had notice of the Agreement of Sale in favour of the Petitioner and had, as a matter of fact, recognised the Petitioner as owner in possession and offered to relinquish their lien on the "Boys' Home Unit" for a consideration of Rs.6,000/-. The Petitioner begs to submit that, when he came to - know about the sale by Mr. Borthwick, he discovered that, when Dr. Vincent sold the properties to the Petitioner, he had failed to disclose to the Petitioner the fact that, in addition to the property known by the Girls' Home which was specifically excluded from the sale in favour of the Petitioner, the building

known

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known as the "Boys' Home Unit" had also been subsidised by the Government by a grant of loan of Rs.6,000/-. As soon as he came to know of it, the Petitioner approached the Government and offered to pay the said sum of Rs.6,000/- to the Government as soon as he was authorised to do so by the Heart of India Mission of America with whom he was then in correspondence about the reduction in the sale consideration. The Government were good enough to accept the Petitioner's offer. But, though the Heart of India Mission in America was good enough to reduce the sale price from Rs.10,000/- to Rs.6,000/- in consideration of the Honorary Services rendered by the Petitioner for their Mission for over 15 months, they had not yet decided about authorising the Petitioner to make payment of the said sum of Rs.6,000/- to the Government. But, in the meanwhile, the Government precipitated the issue by filing the suit against the Petitioner, as aforesaid.

16. The Petitioner had also learnt in the meanwhile that Mr. Borthwick was not a duly accredited Agent of the Heart of India Mission and that he had no right to sell the properties to Government, and that the Home Board had not ratified the said transaction.

17. That, accordingly, in the said suit, the Petitioner impeached the validity of

of the sale in favour of the Government and wanted to establish all the above facts by the Examination of the President, the Secretary and Miss. Young of the Heart of India Mission, and prayed for a Commission to be issued for their examination in America. But the Petitioner's request was declined, and - he was rendered helpless and the Government - had their own way, and, under the circumstances, the result of the suit could only be one way and the suit was decreed in favour of the Government. And, aggrieved by the said decision, the Petitioner went up in Appeal before the High Court who returned the appeal to be presented before the District Court, Bangalore, where it was accordingly presented and is now pending disposal in Regular Appeal Number 298 of 1936-37, on the preliminary questions of maintainability and Limitation.

18. That, throughout this period, though the Petitioner was ready and willing to perform his part of the contract, the Heart of - India Mission did not complete their part of the Contract and never moved in the matter - and left the Petitioner to fight with t h e Government as best as he could. The Petitioner, therefore, was obliged to file a suit against the Heart of India Mission for Specific - Performance of the Contract of Sale, and as by then the Government had claimed to have purchased these properties and were in possession of some of the said properties, the Government had

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had also to be impleaded as a party to the said suit . The Government, through the Government Pleader who said that he was instructed not only by the Government b u t also by Mr. Borthwick who is said to represent the Heart of India Mission, are n o w opposing the Petitioner's suit, Original Suit No.19 of 1935-36 on the file of the District Court, Bangalore, and, as the Petitioner objected to the Government making common cause with Mr. Borthwick and disputed the latter's authority to represent the Heart of India Mission in America and insisted on Summonses being issued to the Heart of India Mission in America, the learned District Judge has reserved orders on this matter.

19. But, ~~xnx~~ in the meanwhile, t h e Amildar, being instructed by the Deputy Commissioner of Bangalore and apparently without any orders from the Court, has been threatening to evict the Petitioner from the possession of his properties. And, though the Petitioner prayed that he was prepared to obey any orders from the Court and that till then he may not be molested, his prayers seem to have fallen on deaf ears. His application - before the District Court for Stay of Execution pending the disposal of his appeal, is also not yet granted. Under these circumstances, the Petitioner is being hard pressed on all sides and is at his wit's end.

20. Irrespective

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20. Irrespective of the legality or otherwise of Mr. Borthwick entering into - this sale transaction, the Petitioner feels that the Government have not treated h i m fairly. That, as soon as he came to know that the property known as "The Boys' Home Unit," included in his sale transaction, had been subsidised by the Government and that the Government had a claim over it to the extent of Rs.6,000/-, the Petitioner, as an honest man, approached the Government a n d informed the Government of the circumstances of his sale and furnished them with a copy - of his Agreement of Sale and copies of all - his correspondence, including the copy of the Cablegram which he received from America regarding the reduction in the sale consideration, and offered to pay the Government t h e money advanced by them as soon as he was enabled to do so by the Heart of India Mission in America, as, under the Agreement of Sale, he had to pay that sum to the Heart of India Mission and therefore, without their permission, he could not legally make the payment to Government. The Government having accepted to receive this sum from the Petitioner, virtually recognising the Petitioner's ownership in the said properties, led the Petitioner to believe in the bonafides of the Government to allow him to negotiate with the Heart of India Mission regarding the adjustment of the sale consideration. But the Petitioner - never thought that the Government having thus

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got all the documents from the Petitioner, would enter into negotiations with Mr.Borthwick behind the back of the Petitioner and would enter into the sale transaction to undermine the Petitioner and to defeat his rights in the properties, and further would file a suit against him and make use of the very documents which were given to them in trust,as it were, against the Petitioner, and put all obstacles in the way of the Petitioner getting his evidence, and thus score an unrighteous victory over him by getting a Decree against him which at best is only based on a technical point because, as pointed out by the learned Government Pleader, the doctrine of Part Performance which applies in British India does not apply in Mysore.

21. Whether it was the intention of the Government or not to help either the Mysore Indian Christian Education Fund Association or the Y.M.C.A. Rural Reconstruction work, it pains the Petitioner to find a group of Indian Christians posing themselves as the representatives of the Government, and, in the name of the Government, resorting to unlawful acts of violence and criminal intimidation to evict two old and peaceful citizens of the Mysore State from their properties which they were in possession of lawfully.The Petitioner is surprised to find that, under

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the Benign Government of Mysore, it was possible for two British Subjects who had the misfortune to purchase properties in Mysore State, to be so harassed. The Petitioner ~~x~~ and his wife were induced to purchase these properties with a view to settle down peacefully in their oldage. But, if they had known what sort of treatment was in store for them and what kind of protection they were likely to get at the hands of the Government, they would rather have migrated to Madras as they originally intended than purchase these properties and be subject to such treatment with such consequences.

22. That, in respect of the justification of the attitude taken by the Government, the Petitioner begs to state that, irrespective of the validity or otherwise of their sale transaction, the Government were no doubt entitled to get back the properties known as the Girls' Home and the Boys' Home Unit for building which the Government had subsidised a sum of Rs.10,000/- and Rs.6,000/- respectively under two Agreements entered into with the Heart of India Mission on 27-6-1927 and 26-6-1928 respectively, when the said Mission failed to keep up to the terms of the said Agreements. The Petitioner never prevented the Government from taking possession of the said properties, and also the Mission Bungalow and the Chapel attached to the Girls' Home and a building known as Kerr's Memorial, though the

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the said Bungalow and Chapen and the Memorial were not built out of any funds advanced by Government, but were built out of a donation of Rs.15,000/- given by Mrs. Kerr, an American Lady in memory of her husband. This bungalow and Chapel, in addition to the Girls' Home and the Boys' Home Unit, which two were specifically subsidised by the Government, would have amply repaid the Government of their dues in addition to leaving a large profit of Rs.15,000/- for the investment. There was, therefore, no justification for the Government to have got included in their sale the other four buildings situate in Sur.No. 56 of Basettihalli, and the three cottages, a Chapen and a Kitchen situate in Survey No. 69 of Gudadahalli, together with lands comprised in the said two Survey Numbers, and Sur.No.57 of Basettihalli and Sur. Nos. 67, 68, 70, 71 and 86 of Gudadahalli, comprising in all about 74½ acres of land consisting of a Mango Grove, Honge Tope and other fruit-bearing trees, besides several stone-rivetted wells including a borewell. All of these were the property of the Mission over which the Government had no lien, and the Heart of India Mission were at liberty to sell and the Petitioner was at liberty to purchase. But the Government had all these properties, which are of the value of several thousands of Rupees, included in their sale transaction for which they paid Mr. Borthwick a paltry sum of Rs.2,000/-. The

Petitioner

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Petitioner has, therefore, every reason to think that the Government entered into this sale transaction not so much with the object of safeguarding their interests, but with a view to defeat the Petitioner's sale and to help the Indian Christians representing the Mysore Indian Christian Education Fund Association and the Y.M.C.A. At any rate, to remove all the furniture and other moveables which the Petitioner had bought, has not even the legal cloak to justify it, as the Sale - deed in favour of the Government was purely in respect of immoveable properties specified therein, and no furniture or other moveable - was ever sold to them under the said Sale Deed. However, it seems it is a case where might is right and the Petitioner, whatever might be his rights, was helpless against a strong opponent.

23. That, ever since they stepped into the property, neither the Petitioner nor his wife have ever known a peaceful moment. They are being continually harassed and, beginning from the Patel and the Shanbhogue right up to the Amildar and the Deputy Commissioner, all are bent upon driving the Petitioner and his wife out of the estate. They are thus having a precarious existence, and, under the circumstances, they cannot get any help even to have their lands cultivated. To add to this, the Petitioner, in having to defend the suit

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filed against him by the Government and in his filing a suit against the Heart of India Mission and the Government, had to incur considerable expenditure by way of Court Fees, Advocates' Fees, Copying Fees and Travelling expenses in coming to Bangalore amounting for over a hundred times in connection with these suits amounting to Rs.1623-4-3 upto date and it is hard to assess at any money value the mental suffering and annoyance the Petitioner and his wife have suffered these six long years on account of the criminal intimidation, insult, assault and continuous persecution to which they - have been subjected for no fault of their own.

24. The Petitioner has, therefore, been impelled to submit this petition before Your Honour as the Fountain-head of Justice, hoping that his humble petition would receive a favourable consideration at your hands and that Justice would be done to him. The Petitioner ventures to submit that he is - prepared to have any settlement with the Government which is equitable and just.

25. The Petitioner begs to submit - herewith two Rough Skotches of the several - buildings found on Sur. No. 56 of Basettihalli and Sur. No. 69 of Gudadahalli, and he also files copies of the several letters and documents which bear out the facts set out

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in this petition. The Originals of these letters and documents are filed in Court.

26. The Petitioner prays that he may be pardoned for this lengthy petition and that Justice might kindly be done to him.

Dodballapur,) J.C. Medford
28th April, 1937.) PETITIONER.

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LIST OF DOCUMENTS FILED WITH THE PETITION.

1. Rough Sketch showing buildings situate on Sur. No.56 of Basettihalli.

2. Rough Sketch showing buildings situate on Sur. No. 69 of Gudadahalli.

3. Photo copy of Sale Agreement dated 1-7-1931.

4. Copy of letter dated 19-5-1932 from Dr. Vincent to Petitioner.

5. Copy of letter dated 24-5-1932 from Dr. Vincent to Petitioner.

6. Copy of letter dated 28-5-1932 from Dr. Vincent to Petitioner.

7. Copy of letter dated 15-6-1932 from Dr. Vincent to Petitioner.

8. Copy of letter dated 26-2-1932 from Dr. Vincent to Mr. David Foot Nash, wherein reference is made to the work done by the Petitioner to the Mission.

9. Copy of letter dated 16-5-1932 from Mr.Z.John to Dr. Vincent.

10. Copy of Affidavit sworn by Miss. Young at Los Angeles on 11-6-1932.

11. Copy of Cablegram dated 19-11-1932 from the Secretary of the Heart of India Mission to Petitioner.

12. Endorsement dated 12-12-1934 issued by the District Superintendent of Police, Bangalore, to the Petitioner.

DODBALLAPUR,
28-4-1937.

J.C. Midford

PETITIONER.

Gudadahalli Estate,
Doddballapur [illegible] 1937.

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OFFICE OF THE DEWAN OF MYSORE.
Date of receipt 1.6.37
Petn: Regr. No. 1721

To,

Amin-ul-mulk Sir Mirza M. Ismail K.C.S.I. O.B.E.
Chief Secy Dewan of Mysore, Camp Ootacamund;

Cal. Mr. Mallik
& Mrs. B.
a.m. 8.
& Mrs. M. de Prah.
Straib.

Dear Sir,

Mr 1-6-37

I have been pondering over the events from my purchasing these properties from The Heart of India Mission Band up to period when they were purchased by Govt: on the mere copy of an alleged Power of Attorney purporting to have been granted to Mr. Borthwick over 18 months after the sale in my favour had been effected (VIDE PARAS 14, 15, & 16 IN MY PETITION)

CHIEF SECRETARY. Law. 2. JUN. 1937 GOVT. OF MYSORE.

For this reason I feel that I want to address you personally since I have a great desire to bring to your notice the salient points at issue in my Petition to you d/- 28.4.1937, with a few additional facts. which I had to ~~omit~~ for obvious reasons.

C.B.
Please put up the file and book in this connection.
MK

SUMMARY.

1. That all the Furniture in the Girls' Home etc: of which I was forcibly dispossessed is valued at Rs 1,000/-, excluding the Fowls, which was the property of Mrs. Midford (VIDE PARA 9, and copy of letter No. 9 d/- 16.5.1932 from Z. JOHN to Dr. Vincent as it bears out the occurances that took place on 14.5.1932, brought about by Dr. Paul Chinnappa & his Cousin Manuel)

2. That on 20.9.1932, Mr. J. R. Isaacs, Secty: Y.M.C.A., trespassed on my premises on behalf of Govt: & threatened my wife & I with criminal intimidation (VIDE PARAS 10 & 11) I appealed to DIST: JUDGE, against order of MAGISTRATE, and the former put a different construction by his remark:— "that beyond a reasonable doubt I see no reason"

"reason to disagree with the Lower Courts finding the accused got the benefit of the doubt otherwise his career & position in life would have been ruined for ever had he been convicted. (VIDE PARA 11)

3. That Mr. Matthan's remark (VIDE-PARA 13) was made at the time when the suit instituted against me was "SUB JUDICE. This is another instance of "on behalf of Govt: and it is all the more regrettable as he was there in the highest, but one position in Government employ and should have known better.

4. That the above three gentlemen of high repute & Christian Zeal, having failed by fair means and foul play in their premeditated joint attempts to dispossess me of properties legally purchased by me under an Agreement of Sale d/- 1-7-1931 (VIDE PARA 1) resorted to Law on the advice of the Govt: Law Dept: through the learned Govt: Advocate, whom, I am surprised at recommended such a course when there was no grounds to go on as the properties had passed into my possession!

My Case was first conducted before Mr. Puttaraj Urs, M.A., Sub-Judge, Bangalore, the Mysore Government purchased my properties - valued at Rs 33,450/- from Mr. Borthwick for a mere song of Rs 2,000/- after a period of 2 years & 8 months of my Ownership and produced before the Court in support of their purchase a Copy of an alleged Power of Attorney purporting to have been granted to Mr. Borthwick by the Mission Board in Pasadena, U.S.A. d/ 14.1.1933 I contested the suit & refused to recognize the validity & legality of a COPY OF AN ALLEGED P/A - on which Govt: base ... right to purchase - and demanded the production of the original P/A. which was never produced.

Before the concluding stages Mr. Puttaraj Urs was transferred to Shimoga - & witnesses were examined before his Successor on behalf of Govt:. In reply to a question put by my Lawyer to Mr. Borthwick, The latter made a sworn statement in the witness box that the said Original P/A was left in Salem, where he is working for the Mission - and yet on the face of his sworn testimony the Judge made no attempt to order its production. On the contrary he gave Judgment against me within a few days. When closing the case on behalf of Govt: - the Public Prosecutor, Mr. Doraiswamy - made a brief statement to the Court as follows: - "we have nothing against" "Mr. midford - Your Honour - he has purchased these" "properties according to Law, but according to the" "Transfer Property Act only part performance has" "taken place, which applies in British India," "but does not apply in Mysore Courts".
He cleverly avoided the <u>principal ISSUE</u>, namely the copy of the alleged P/A.
My Lawyer - on my behalf - contended - that the mere copy of an alleged P/A was insufficient to support the right of Govt: to purchase properties, which - as a matter of fact, had already been previously sold to another party. Such a transaction is illegal, collusive & fraudulent etc: - but his pleadings fell on deaf ears - with the above result (VIDE PARA 20). Mr. Puttaraj Urs, who heard my case in the early stages, wanted to know how far it had progressed & he made this enquiry from a Lawyer & when he was informed that the case was dismissed against me he expressed surprise & remarked that how could this be when no Original P/A was produced, but merely a COPY, which is against Law!

I leave you, Sir, to judge from this remark how unjustly I have been treated - and a reference to any prominent legal Gentleman on this one issue alone will convince you of the truth of my statement. In the case of the Sale of mission property (VIDE PARA 8) at Bangalore, the original P/A in favour of Dr. Allan Vincent was attached to the Sale Deed. The same procedure should have been adopted in my case - i.e. the production of the Original P/A.

5. I was instrumental in having 4 Guns traced without Licenses - One was confiscated on 6.12.1932 & the Owner, a Cingalese Christian, was allowed to escape with the other Gun. On 26.3.35 I snatched, at great personal risk, another Gun from a man who fired it near where my wife & I were standing & he was fined Rs 10/- & this Gun was also confiscated but the owner was likewise allowed to escape punishment. (VIDE PARA 12)

6. At this stage I have been called upon by the Deputy Commissioner through the Amildar, to vacate & give him possession of my properties! The strangest part is, that the D.C. is a party, with me, in this Law Suit, & as such he has no authority to take the Law into his own hands by making such a demand without a Court Order. I understand that his action is against procedure. Such a demand must come direct from the Court & when a reference was made to the Dist. Judge, he expressed surprise & said that he had not issued any order to the D.C. (VIDE PARA 19.)

7. To prove to you that collusion had taken place between Mr K. Mathan, in his then dual capacity of 1st member of Council & Vice-Presdt: Y.M.C.A., Messrs J. R. Isaacs and Borthwick - the latter in his deposition in Court said he had sold these properties to Govt: for Rs 2,000/=, and when the Y.M.C.A. got possession of the property - where I am now living (since 1-7-1931) they would give him another Rs 2000/=!
It is not for me to say how this offer should be termed and what name to give it! All this goes to prove conclusively that all these Christians plotted against me from the very commencement by criminal intimidation, insults and terrorism to dispossess me of my properties for selfish interests & gain. They have already forcibly taken over a portion of my property for the Y.M.C.A. Rural Centre, which is situated on the main road from Bangalore - and now they want to do the same with this property, which is situated a mile away from the other (VIDE PARA 22)

8. In consequence of all these doings I have incurred much expenditure and have been compelled to visit Bangalore 106 times since 1934 in connection with these Suits which has cost me Rs 1,623-4-3 nP to date.

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all this could have been avoided if the Representatives of Govt: had approached me in the right spirit from the commencement, instead of adopting the methods mentioned above (VIDE PARA 23) Had I known that my wife and I would have had to undergo all this trouble and expenditure & put up with all these insults we would have gone to Madras in 1931 - as we originally intended to do - and I could have earned ~~Rs~~ 500/= p.m. & more, instead of devoting 15 months of my valuable time to do honorary service for the mission and to purchase their properties as a part consideration in return for such services. (VIDE PARAS 3.4 & 7)

In conclusion, I must apologise for taking up your valuable time, but unfortunately the exigency of my case necessitates a somewhat lengthy explanation to enable you to see my view point from all angles. I trust you will find the time to go through this SUMMARY - at your leisure - more especially would I draw your kind attention to PARA - 4.

What my wife and I are most grieved about is, we came here to settle down in the Mysore State with the feeling of absolute security - but found to our cost instead the foregoing has been our bitter experiences.

I have the honour to be,
Sir,
Yours truly,
J C Medford

Dodballapur
3rd Sept: 1937.

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To,

Amin-ul-mulk Sir Mirza M. Ismail,
B.A., K.C.S.I., C.B.E.,
Dewan of Mysore, Bangalore.

OFFICE OF THE DEWAN OF MYSORE.
Date of receipt 4.9.37
Petn: Regr. No. 285

C. Secy

Sir,

I wish to bring to your notice the following occurance which took place in the Court of the Law Secy Principal Subordinate Judge at Bangalore, MS 419 where the case instituted against me by Govt. was heard and disposed off. On the 25th Augt. BKR 6.9 1937 I presented an application for certified copies of Exhibits N & N-1. namely:- a letter addressed to K. Matthan Esq. d/- 17.11.1932 by Mr. W. Borthwick & a Copy of a Powers of Attorney granted to the latter by the American Board of the Mission d/- 9.9.1932, which were filed by Govt. on 12.12.1935 as evidence. Explained from chief secretary BKR 6.9.37

On the 31.8.37 these copies were delivered to my Lawyer in my absence. I went to Bangalore yesterday & he gave them to me & I examined them carefully & found that the copy of the P/A. Exhibit N-1 had been tampered with in the following manner:- SIX additional words are added in Red Ink, namely "AND AGENT" after the word Superintendent "AND ACT FOR IT" after the word represent & the word "IT" is scored across in Red Ink. While a whole sentence is added after an asterisk is inserted after the last three words above in Red Ink namely:- "AND to negotiate for the sale & effect sales of the" "properties of the mission in India & to sign execute" "& get registered the necessary conveyance therefor" all in a different hand writing and typed in the Certified Copy on the next page. in the wrong

wrong place - as an after thought! All the abo
writing in Red Ink was not on this copy when
I examined it on two different occasions before
applying for a certified copy & this can be borne
out by my Lawyer & the Record Clerk, who also saw it.
Then again on Monday the 30th. Augt. last I had to attend
Court & I asked the Typist if he could have it ready for
delivery by 5 p.m. - he said if I cared to wait till 6 p.m.
he would have it ready. this was when he was typing
the letter - Exhibit N. & I again examined N-1 at 5 p.m
and it had no alteration. I did not wait as I had to
catch the 5 p.m. Bus for this place - the alterations &
additions were done after I had left.
As a precautionary measure I asked miss morrow,
a friend of ours - who was already in communication
with one of the workers of the Mission at Salem,
where Mr. Borthwick is in charge, to ask him if it
was possible to obtain a copy of this particular
P/A from the Dist: Education Council Board at
Salem where it was lodged - He succeeded in
obtaining a true copy which he sent to her by post
on 30.10.1936. which is a true representation
of the copy in Mr. Borthwick's hand-writing in Court,
EXCEPT for the alterations & additions in Red Ink -
inserted in quite a different hand-writing first
in pencil and then inked in in Red Ink.
THUS by these spurious alterations & additions
inserted by some responsible person the whole
legal phraseology of this document is altered from
a Specific to a General P/A to suit the case in
favour of Govt: while I am deprived & defrauded
of these properties by such methods!
I beg to draw your attention to the fact that this
has now actually occured and more fully explained in
my SUMMARY d/- 7-5-'37, PARA-7 addressed to you -
this should be read side by side with letter d/- 17.11.32
Exhibit "N" - of which I have a Certified Court copy.
I enclose herewith a typed copy of the said P/A recvd:
from S. Devaprasad d/- Salem 30.10.1936 addressed to
miss morrow - the original of which is with me and
can be produced if desired. On the enclosed I have
made the exact alterations & additions as it is
depicted in the Court copy in Red Ink to show you
the difference in wording & meaning which can
be plainly seen on a very careful examination of
this document that it was inserted subsequently!
I feel that I am justified in bringing this serious
matter, which I considers to be of Paramount
importance, to your notice since I know that
you would be interested to know as it effects the
workings of Government Courts.
The document in question - with the whole file -
has been ordered to be sealed by the Court
Sheristedar yesterday in my presence.

In conclusion, I can give you further proof
if required that this is not the only case in point
where the Lower Courts have dealt unjustly
with me in regard to these properties - by
placing obstacles in my way at every step

I have the honour to be,
Sir,
Yours obediently
J. C. Guidford

(62

Visranthi
11/445 N.H.Extention,
Salem.
30-10-1936.

Dear Madam,

I understand your idea. We will get the records latter on about B's dismissal. In our Council Meeting it may not be possible to get the quoram so they may postpone it again, in the - / - meanwhile let your case come off. Re: the P. of Attorney I told you already that Mr. B. did not (DIST. EDUCATIONAL COUNCIL) give his original in the D. E. C. at Salem. All he gave only a copy of 1933 Power of Attorney.

'True Copy'

Know all men by these presents that the - - H.I.M.B.- a Californian Corporation does hereby appoint V. B. Its Superintendent and Agent to represent ~~it~~ and for it * (SEE OVERLEAF) in all its works in India hereby granting him - P. of attorney to act for and on behalf of the - said H.I.M.B in all matters which may arise in - regard to the work in business of the said Corporation in India. All for my appointments or - power of Attorney are here by revoked.

Signed at Pasadina California,
U.S.A. on 9th.September 1933,
By authority of Board of Trustees,
of the said H.I.M.B.

Sd. V.J.J.

Mr. Chas H. Johnson endorses and says that - Mr. V.J.J. is known to him. C.H.J. is a notory Public and the Vice President of the H.I.M.B.

Sd. C.H.J.

P.T.O

16

(Seal) 10th day of September 1938.

The above of course is the copy of Power of attorney of W.B. The original is with him and not in the D. M. C. as he said. He writes to the D. E. C. that the original will be shown in person.

Best wishes.

Sd/- S. Devaprasad.

to negotiate for the sale and effect sales of properties of the Mission in India and to execute and get registered the necessary conveyances therefor."

The above is a true copy received on 1.11.1936 and addressed to "Miss S. E. Morrow, The King's Mission, Dodballapur Bangalore Dt: Mysore State

Original with me

J Comfford

3.9.1937

3rd June (64 7

ISSUED.

2978/C.

Dear Sir,

With reference to your petition dated 1st May 1937 addressed to the Dewan, I am desired to suggest your calling on me at the Public Offices, Bangalore, on Monday the 7th instant at 1 P.M. if not inconvenient to you.

Yours sincerely,

J. C. Midford, Esq.,
Gudadahalli Estate,
Dodballapur Taluk,
Bangalore District.

Mr. Midford saw the Chief Secretary on the 7th June 1936. He promised to call again on the 24th June 1936 with some further papers.

CJO 10/6/37

588 837

AREHALLI ESTATE,
DODBALLAPUR, 65
MYSORE STATE.

26/7 25th July 1937.

To B. V. Keshava Iyengar Esqr. B.A.
Chief Secretary to the
Govt: of Mysore.
Bangalore

Dear Sir, When I visited you on the 20th inst: you informed me that you would see that we would not be disturbed from our possession of these properties until after the Dewan's return early in September.

I enclose herewith a letter from my Lawyer who writes to say that the Subordinate Judge has ordered that

The properties shall be delivered

Will you kindly move in this matter as there must be some mistake somewhere

awaiting confirmation of your assurance that nothing would be done & that we would not be disturbed till the Devan's return

Yours truly

J Cridford

K. N. SRINIVASAN, M.A. LL.B.
ADVOCATE,
ಕೆ. ಎನ್. ಶ್ರೀನಿವಾಸನ್, ಎಂ.ಎ., ಎಲ್‌ಎಲ್.ಬಿ.,
ಅಡ್ವೋಕೇಟ್,
ಬಳೇಪೇಟೆ, ಬೆಂಗಳೂರು ಸಿಟಿ.

BALEPET,

Bangalore City 24/7/1937.

66

Dear Mr. Mitford,

In the Execution Case against You in the Court of the Subordinate Judge the Learned Judge has ordered that the properties should be delivered. Please let me know as to what has happened in the meanwhile.

Yours Sincerely,
G. Viswanathan

1874 P837

Confidential.

Doc No. 2137/38
Enc.

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION, 6

Bangalore,.....20th....September.....*1937*.

FROM

The PUBLIC PROSECUTOR,
BANGALORE DIVISION, BANGALORE.

To

The Chief Secretary
to the Government of Mysore,
Bangalore.

SIR,

Re: Ex.265/36-37 - O.S.77/33-34 on the file of the Sub Judge, Bangalore. (The Deputy Commissioner, Bangalore Vs. J.C.Midford).

CHIEF SECRETARY'S Law 22. SEP. 193 GOVT. OF MYSORE.

I have the honour to inform that the above case stands posted to 1-10-1937 for delivery of properties - and respectfully request instructions in the matter.

I have the honour to be,
Sir,
Your most obedient Servant,

Doraswamy Gv
public prosecutor.

8th July 1937. 68

ISSUED.

Dear Sir,

In reply to your letter of yesterday, I write to say that I shall be glad to meet you at the Public Offices, Bangalore, at 1-30 p.m. on Wednesday the 14th July 1937.

Yours sincerely,

J. C. Midford, Esq.,
Gudadahalli Estate,
Dodballapur Taluk.

Gudadahalli Estate
Doddaballapur Taluk
7th July 1937

(69)

B. T. Kesavaiengar Esqr. B.A.
Chief Secretary to the
Govt: of Mysore Bangalo

Dear Sir,

Now that the Legislative Council Meetings have concluded I shall be glad to know when it will be convenient for you to see me again to continue the enquiry re my petition addressed to the Dewan?

Thanking you for a reply,

Yours truly
J. C. Bradford

P.C.

Reply that I shall be glad to meet His Gentleman on 14th at 1.30 P.M. MK 8/7

Recd 24.6.37

Guddadahalli Estate
Doddaballapur
24th June, 1937.

(70)

To

B.T. Keshava Iyengar Esqr., B.A.,
Chief Secretary to the Government
of Mysore,
B A N G A L O R E.

Dear Sir,

Subsequent to my interview with you events are transpiring which are causing us considerable anxiety. The appeal which was returned to me by the High Court for presentation before the proper court had been presented there on the very day on which it was - - returned by the High Court, but the Learned Public Prosecutor under instructions from the Government having opposed the entertaining of the appeal by the District Court on the ground of delay - the learned District Judge upheld his objection and refused to condone the delay and has rejected the appeal. Hence my application praying for stay of execution of the -

decree

decree of the Learned Subordinate Judge has become fruitless and the Government are executing the Decree and intend to dispossess me and the warrant may be executed any - - moment. The main object of my petition to Sir Mirza M. Ismail dated 28-4-1937 was to get relief from this continuous harrassment against us and from what I have stated above you will please see how precarious our position is. If we are dispossessed of our properties -, we will be rendered absolutely helpless. I would therefore respectfully pray that our sad plight may kindly be brought to the immediate notice of Sir Mirza M. Ismail with a request for a stay of all proceedings against us until the - disposal of my petition to him which is no being so kindly investigated by you. I feel certain that he is not aware of these

Court

Court proceedings and their consequences.

Thanking you,

Yours truly,

J. C. Midford

2408/P 837

(71)

Dodballapur.
7th Oct. 1937.

To

B.T. Keshava Iyengar Esqr., B.A.,
Chief Secretary To Government of
Mysore, (Camp) Mysore.

Dear Sir,

With reference to our several - interviews I am pleased to inform you that as promised I have finally decided to withdraw all litigation against Government. I have already instructed my lawyer not to file any appeal before the High Court against the decision in the original suit filed against me in O.S. No. 77 of 1933-34 on the file of the Subordinate Judge - Bangalore and in R.A. No. 298 of 1936-37 on the file of the District Judge - Bangalore. That as regards the - original suit No. 19 of 1935-36 pending on the file of the Additional District Judge - Bangalore - I have to state that the case - came up for trial on 6-10-1937 on which date though I was ready with my witnesses, I - - instructed my Lawyer to submit to Court that the suit had been settled out of Court$ and - that it might be dismissed. My Lawyer submitted to the court accordingly, but as the Government Pleader - insisted for payment of costs - and as I instructed my Lawyer to -

submit

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submit that in so far as the suit is being - withdrawn as a result of settlement I may not be saddled with costs. But as the Government Pleader was not in a position to accede to my request in the absence of instructions, the case now stands posted to 28-10-1937 for reporting settlement. May I hope that under the circumstances you would kindly instruct the Government Pleader not to press for costs and to allow me to withdraw the suit.

2. As already promised, I am arranging to vacate and give over possession of the properties at present occupied by me on - Saturday the 30th instant without fail but I shall feel obliged if you will kindly give me an assurance that there will be no interference by anyone in allowing me to remove my personal effects and furniture when I do so on 28th or 29th as in the case of the Delivery Warrant for possession of the buildings which was served on me by the Munsiff-Magistrate on Saturday the 2nd. instant inspite of the fact that orders were issued by the Sub.Judge at Bangalore to the contrary.

3. In view of my good faith as shown above I trust the payment of my actual expenses in all these litigations amounting to - - -

P.T.O.

(73)

Rs. 1681-14-3 up-to-date will be favourably considered by Government.

Yours truly,

J. C. Midford

18th Oct 1951

(74

Dear Sir,

I am directed to acknowledge receipt of your letter dated 7th inst and ~~to~~ request you calling on me at the Public Offices, Bangalore on Monday the 25th inst at 1 PM.

Yours truly

J.C. Mitford, Esq
Lyndesdale Estate
Doddabellapur Taluk
Bangalore Dist

Mr. B. T. KESAVAIENGAR, B. A.,
Chief Secretary to Government.

GENERAL AND REVENUE SECRETARIAT.

Bangalore, Dated, 18th October 1937
Camp- Mysore,

D. O. No.

Dear sir,

I am directed to acknowledge receipt of your letter dated 7th instant and to suggest your calling on me at the Public Offices, Bangalore, on Monday the 25th instant at 1 P.M.

Yours sincerely,

J.C. Midford, Esq.,
Gudadahalli Estate,
Doddaballapur Taluk.

(76

D.O.
CNO p 62/Lucas of 22.10.37

Dear Sir,

I am directed to acknowledge receipt of your letter dated as follows:-

Throughout our discussions, I made it clear to you on more than one occasion that Government were not prepared to enter into a discussion with you regarding the merits of the cases pending before Courts, which they had absolutely no objection to be proceeded with. ~~Any advice at a compromise.~~ Any help which Government might be agreeable to give you would be entirely as a matter of grace in consideration of the hardships you represented you had undergone without admitting or conceding any of your legal claim. It is a matter of surprise therefore, that it should have been represented to the Court on your behalf that the suit would be withdrawn as a result of Settlement out of Court.

I am however, glad to inform you that your prayer for financial help is receiving favourable consideration

2108

(76)

at the hands of Government.

In this connection, I am to suggest your calling on me at the Public Offices, Bangalore, on Monday the 25th instant at 1 P.M.

Yours Sincerely

MS
21/10

J. C. Midford, Esq.
Guddadahalli Estate,
[illegible]

Submitted.

If approved this letter may be sent to the personal clerk to the Chief Secy for submitting this to him on Monday (25/10/37).

MS
22/10

Yes

BKR
22.10

BKR
(21-10-37)

(77

D.O.No. C. No.P.62/Law dated 22nd October 1937, from the Chief Secretary to Government to Mr.J.C.Midford, Guddadahalli Estate, Doddaballapur Taluk.

I am desired to acknowledge receipt of your letter dated 7th instant and to state as follows:-

Throughout our discussions, I made it clear to you on more than one occasion that Government were not prepared to enter into a discussion with you regarding the merits of the cases pending before courts, which they had absolutely no objection to be proceeded with. Any help which Government might be agreeable to give you would be entirely as a matter of grace in consideration of the hardships you represented you had undergone, without conceding any of your legal claim. It is a matter of surprise, therefore, that it should have been represented to the Court on your behalf that the suit would be withdrawn as a result of settlement out of Court.

I am, however, glad to inform you that your prayer for financia help is receiving favourable consideration at the hands of Governmen

In this connection, I am to suggest your calling on me at the Public offices, Bangalore, on Monday the 25th instant at 1 P.M.

(78

Dear Sir,

I am directed to acknowledge receipt of your letter dated 7th instant and to state as follows:-

Throughout our discussions, I made it clear to you on more than one occasion that Government were not prepared to enter into a discussion with you regarding the merits of the suits filed by you against Government and arrive at a compromise Any help which Government might be agreeable to render you would be entirely as a matter of grace and consideration for the hardships you said you had undergone. Irrespective of any help that Government may render as above, you are at liberty to pursue your litigation against Government and take the consequences, if you are so advised.

In the circumstances, there can possibly be no question of any settlement out of court having been arrived at between you and the Government, and I am to request you to take steps to correct the statements presented by you to the courts so as to remove the impression that you are withdrawing the cases or desisting from taking any legal steps as a result of any settlement arrived at with Government on the points at issue before the courts.

Yours sincerely,

J. C. Midford, Esq.,

Draft put up for Consideration (If necessary, it will be shown to the Asst Secy-Law also before issue)
Yes please.
13/10

Discussed with the Chief Secretary.
13.10.37

In view of the views passed on the main file, a separate draft is put up for approval
18.10.37
Chief Secy)

Proceedings of the Government of His Highness
the Maharaja of Mysore.

R e a d :-

The petition from Mr.J.C.Midford dated 28th April 1937 ~~and~~ addressed to the Dewan, and subsequent letters addressed by him to Government in the matter of properties which Government have purchased from the Heart of India Mission and in respect of which litigations are pending between him and Government.

Order No. P2158-61. Law 67-37-2

Dated, ~~Camp Mysore~~ Bangalore, the ~~22nd~~ 27th October 1937

Of the properties purchased from the Heart of India Mission, some are in the possession of Government and in respect of others, Government have obtained a decree against Mr.J.C.Midford in the Sub Court, Bangalore, for possession and mesne profits which they have been executing. In respect of the properties which are in the possession of Government, Mr.J.C.Midford has filed a suit for possession in the District Judge's Court, Bangalore, and he has also been resisting the execution of the decree obtained by Government already referred to. In the meantime Mr.J.C.Midford has made several representations to Government that he has broken down financially and has not the wherewithal either to prosecute his suit or resist the execution of the decree against him. He is willing to withdraw all his claims against Government and hand over possession of the properties and prays that the Government may generously forego the costs and mesne profits due to Government in these litigations and grant him some financial assistance in view of the hardships he has undergone.

Strictly and legally speaking Mr.Midford has no claim on Government. But in view of the circumstances set forth above, Government are pleased to sanction a payment of Rs.1,500/- to him purely as a matter of grace and also to direct that ~~Govern-~~ Government

(80

that the
~~Government may not press their~~ claim for costs and mesne profits
need not be pressed.
in the above litigations. The amount will be disbursed to him after the receipt of the report that he has unconditionally withdrawn the suit and handed over the properties decreed against him.

22/10/37
Secretary to Government.
General Departments

22/10

To the Revenue Board
Commissioner
D.C. Bangalore
P.P. Bangalore.

Copy to Mr. J.C. Midford.
to his Legislative Branch.

Approved
27/X/37

Sn

Proceedings of the Government of His Highness the Maharaja of Mysore.

87

Read:-

The petition from Mr.J.C.Widford dated the 20th April 1937, addressed to the Dewan, and subsequent letters addressed by him to Government in the matter of properties which Government have purchased from the Heart of India Mission and in respect of which litigations are pending between him and Government.

Exhibit No. P2158-61/Law 67-37-2

Dated, Bangalore, the 27th October 1937.

Of the properties purchased from the Heart of India Mission, some are in the possession of Government and in respect of others, Government have obtained a decree against Mr.J.C. Widford in the Sub Court, Bangalore, for possession and mesne profits which they have been executing. In respect of the properties which are in the possession of Government, Mr. . Widford has filed a suit for possession in the District Judge's Court, Bangalore, and he has also been resisting the execution of the decree obtained by Government already referred to. In the meantime Mr.J.C.Widford has made several representations to Government that he has broken down financially and has not the wherewithal either to prosecute his suit or resist the execution of the decree against him. He is willing to withdraw all his claims against Government and hand over possession of the properties and prays that the Government may generously forego the costs and mesne profits due to Government in these litigations and grant him some financial assistance in view of the hardships he has undergone.

Strictly and legally speaking Mr. Widford has no claim on Government. But in view of the circumstances set forth above, Government are pleased to sanction a payment of Rs.1,500/- to him purely as a matter of grace and also to direct that the claim for costs and mesne profits in the above litigations need not be pressed. The amount will be disbursed to him after the receipt of the report that he has unconditionally withdrawn the suit and handed over the properties decreed against him.

M.K.Ramakrishnaiya

Secretary to Government,
General Departments.

The Revenue Commissioner in Mysore.
" Comptroller to Government.
" Deputy Commissioner, Bangalore District.
" Public Prosecutor, Bangalore.

2591/37
P 837
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Law Section
MMS
29/10

Guddadahalli Estate,
Dodballapur
Dated 28th Oct. 1937.

Law 67-37-3

To

B.T. Kesava Iyengar, Esqr., B.A.,
Chief Secretary to the Government of
Mysore, B A N G A L O R E.

Dear Sir,

In continuation of my letter of 7th October and with reference to my interview with you on the 25th. I write to remove the impression formed by you that I withdrew my cases pending in Court with the cognisance and consent of Government.

This is not correct. I withdrew my - cases of my own free will and accord and will represent the matter in these terms to the Court, i.e., that I withdrew them on my own initiative.

Yours truly,
J. C. Bridford

P.S. I have this day also withdrawn my case against Govt. unconditionally.
J. C. B.

Submitted for perusal.

30/10

2847 p83 (83)

U R G E N T.

In all future communications please quote
No. C2(a)3104/36-37.
Enc. Two.

Tel. Address -"DEPCOM"
Post Box No. 34.

OFFICE OF THE DEPUTY COMMISSIONER,
BANGALORE DISTRICT.

Dated Bangalore, the 10th November *193*7.

Law 67-37-4

FROM

H. V. RAMASVAMI, ESQ., M.A.,B.L.,
Deputy Commissioner,
Bangalore District.

To

GENERAL SECRETARY.
11 NOV. 1937

M. VENKATESA IYENGAR, ESQ., M.A.,
Secretary to the Government of Mysore,
General Department,
Bangalore.

SIR,

Subject:-

With reference to Government Order No.P.2158-61/Law.67-37-2 dated 27th October 1937, directing the payment of a sum of Rs.1500 to Mr. J.C. Midford after he withdraws his Suit No.19/35-36 on the file of the Additional District Judge, Bangalore, unconditionally and hands over the properties decreed against him &c., I have the honour to state that it is reported by the Public Prosecutor that the said suit has been dismissed and that no cost has been awarded by the Court. A certified copy of the order in O.S.No.19 of 1935-36 on the file of the Additional District Judge's Court, produced by Mr. Midford is sent herewith for favour of reference. It is seen therefrom that the case has been withdrawn unconditionally by Mr. Midford.

It is reported by the Amildar, Dodballapur Taluk, that he has taken over possession of properties from Mr. Midford on the 30th October 1937, that he has employed two special watchmen to watch the building day and night and that the Village Official have been put in charge of both moveable and immoveable properties pending further instructions in the matter. A copy of the Inventory duly signed by Mr. Midford is sent herewith for favour of perusal.

I request the favour of according sanction for the payment of Rs.1500/- to Mr. Midford.

I have the honour to be,
Sir,
Your most obedient servant,

DEPUTY COMMISSIONER,
BANGALORE DISTRICT.

SVS.10-11-37

(84)

The following properties have been handed over by Mr. J.C. Midford, to the Amildar, Dodballapur Taluk, this 30th day of October 193

Immoveables.-

1 S.No.67 in Arehalliguddadahalli consisting of 10 - 2 guntas of land with two wells, Mango, Seege, Tamarind and other trees and bounded as follows:-

East Arehalliguddadahalli Tankbed.

West: S.No.68 & 69

North: S.No.66

South: Arehalliguddadahalli Tankbed.

2 S.No.68 in the same village consisting of 6 acres 6 guntas of land with a Bangalow and trees - and bounded by

East: S.No.67

West: S.No.69

North: S.No.66

South: S.No.67

3 S.No.69 of the same village consisting of about 9 acres and 21 guntas of land with Jack, Mango and other trees and a block of buildings which include (a) Chapel (b) two out-houses (c) dilapidated building (except the boys school) and bounded as follows.-

East: S.No.66 and 67

West: S.No.70 and 71

North: 66

South: 88

4. S.No.70 in the same village consisting of about 6 - 23 guntas of land with mudwell, mango, Honge and other trees bounded as follows:-

East: S.No.69 North: S.No.71

West: S.No.71 South: S.No.88

5. S.No.71 in the same village consisting of 22 - 0 acres of land and bounded as follows:-

East: S.No.69 and 70 North: S.No.63

West:S.No.72,73 & 74 South: ~~S~~ 87, 88

Movable properties:-

	No.
1. Red, mangalore roofing tiles:	285
2. -do- Ventilators	2

3.	Country tiles - not counted-about	400
4.	Steel rail 25' long	1
5.	Kadaph slabs 4' x-2'(laying) outside fixed to the ground)	17
6.	Expanding metal doors in wooden frames belonging to Boys Home Unit.	4
7.	Wooden shelves belonging to Boys Home unit (mere planks)	6
8.	Do- from dilapidated building	2
9.	Do- wooden doors with assorted sizes.	6
10.	Window shutters	3
11.	Wido- frames with iron bars	3
12.	Window frame without bars	1.
13.	-do- with zinc sheet	1
14.	Wooden door with Zinc sheet	5
15.	-do- without Zinc sheet	3
16.	Door post in single lengths	12
17.	Window -do- -do-	10

18 Wooden beams (wooden things have eaten by whiteants here and there)

Zinc sheets assorted sizes	6
Iron water buckets	2
Stone pillars assorted sizes some fixed to the ground and some loose	24
Stone Ragi mill	1
Goat proof wire fencing fixed at the back of the Bangalow about 300 ft.	
Iron Lamp post	1
Keys	6

Handed over charge to the Amildar, Dodballapur Taluk.

Sd/- J. C. Midford 30-10-37.

--

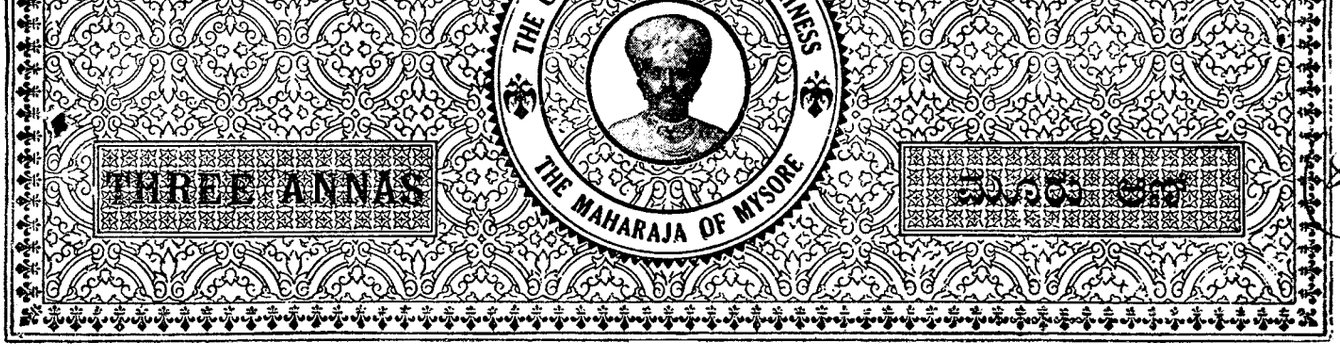
Sd/- Venkata Rao. Shanbhog. 30-10-1937

"Copy"

Sd/- G. Venkata Subbaya Builders 30/10/1937

"Copy".

Sd/- Deputy Commissioner Bangalore District. 16/11/1937



2522

IN THE COURT OF THE ADDL:DISTRICT JUDGE, BANGALORE

Dated the28th day of October 1937.

PRESENT :- G. Paramasiviah, Esq., B.A., LL.B.,
Addl: District Judge.

Original Suit No. 19 of 35-36

PLAINTIFF :- J.C. Midford.

V E R S U S

DEFENDANTS :- 1) The Heart of India Mission Band Incorporation, U.S.A., by their President. a) The Heart of India Mission Band, U.S.A. b) The Superintendent, in India, The Heart of India Mission, Band, Salem. 2) The Government, of Mysore by its Chief Secretary, to Court, of Mysore, Bangalore.

Plaint under order 7 Rule 1 Civil Procedure Code praying for a decree directing the Ist defendant -

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THREE ANNAS

Ist defendant specifically to perform the agreement of sale and to transfer by an instrument the properties - described in schedules A, B and C except item 3 (a) of the Schedule "B" and to do all acts to complete the sale transaction and to put the plaintiff in possession of the same, (b) directing the 2nd defendant to deliver back possession of the "A" and "C" schedule - properties to the plaintiff and to pay mesne profits - at the rate of Rs. 100/- per mesum from date of suit - to date of possession- (c) to restrain the 2nd defendant by an injunction from interfering with the peaceful - possession by the plaintiff of the properties described - in schedule "B" or from proceeding with their suit - against the plaintiff in Original Suit No. 77 of .933-34 on the file of the Sub Judge's Court, Bangalore,

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THREE ANNAS
THE MAHARAJA OF MYSORE

86(4)

Bangalore and for costs of the suit.

Plaintiff's counsel by Mr. G.V. and in person.

Defendant's 1 and 2 by Mr. G.S.D.

Mr. G.V. says that the plaintiff withdraws the suit unconditionally. Mr. G.S.D. does not press for costs. / The suit is dismissed accordintly.

ORDER:-

Initialled/- G.P.

Addl: District Judge.,

28-10-37.

True Copy

H R K

320

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ale 8 Red
22/11.

(87

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read:-

Government Order No. .2158-61/Law 67-37-2 dated the 27th October 1937 sanctioning the payment of a sum of Rs.1500 to Mr.J.C. Hidford on certain conditions.

2. Letter No.C.2(a) 3104/36-37 dated the 10th November 1937, from the Deputy Commissioner, Bangalore, stating that Mr. Hidford has withdrawn the case (O.S.No.12/35-36 on the file of the District Judge, Bangalore) unconditionally and that the Amildar, Doddaballapur has taken over possession of properties from Mr. Hidford, and requesting sanction of Government for the payment of Rs.1,500/- to Mr. Hidford.

...

Order No. . 2566-9 Law 67-37-5

Bangalore, 17th November 1937.

The Comptroller is requested to place immediately at the disposal of the Deputy Commissioner, Bangalore, a sum of Rs.1500/- for payment to Mr. J.C.Hidford. Orders will issue separately regarding the source from which the amount has to be met.

B.Ramakrishnaiya

for General Secretary to Government

CBR

The Deputy Commissioner, Bangalore District.
The Director of Public Instruction in Mysore, with a copy of Government Order No. .2158-61/Law 67-37-2 dated 27.10.37
The Comptroller to Government, through Financial Secretariat
The Revenue Commissioner in Mysore.

8 copies (88

G. R. S. App. F VI—G 2]

SUBJECT .....

.....

.....

Diary. No. of letter replied to.....

General and Revenue Secretariat

( )

the *193* .

Date of issue 17-11-1937.

Signed by Mr. BKR

Section Law

File No. 67-37

Serial No. S

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read— G. O. no P. 2158-61 Law 67-37-2, dated 27th Oct: 1937 sanctioning the payment of a sum of Rs 1500/- to Mr. F.C. Midford on certain conditions.

(2) Letter no C 2(a) 3104/36-37, dated 10th November 1937, from ~~Order thereon. No.~~ the Deputy Commr, Bangalore, stating that Mr. Midford has withdrawn the Case (O.S. 19/35-36 on the file of the Dist. judge, B'lore) un-conditionally and that the Builder, Doddaballapur has ~~handed~~ taken over possession

May this be—

(i) printed?

(ii) treated as a standing order?

(iii) published in the Gazette, English Part?

(iv) translated?

(v) placed at the disposal of the press?

(vi) published in the Gazette, Kannada Part?

(89)

~~f~~ properties from Mr. Midford,
and Requesting Sanction &
~~por~~ for the payment & Rs 1500/=
to Mr Midford

Order P2567-9

~~The Deputy Commissioner,~~
~~Bagalakote desk is requ~~

The Comptroller is
immediately
requested to place/at the
disposal & the D.C, B'lore
a sum & Rs 1500/= for
payment to Mr. F.C. Redford

The Dirr & Public
Instruction is requested to
point out direct to the
Comptroller the source from
which this expenditure has
to be met.

MD 16/11

BNR 16.11.37 General Secretary.

To

(1) The D.C. B'lore
(2) The D.P.I. with a copy & G.O.No P. 2158-61 Law 67-8 dated 27/11/37
(3) The Compt to Govt. through ~~HR~~ Sec. I
(4) The Revl Commr

Orders will issue separately regarding the source from which the amount has to be met.

List of Enclosure

Copied by

Examined by

WD 08602 GRB-22,50-12-7-35

3126 P.37 (9C

OFFICE OF THE COMPTROLLER TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. 265/A.i Bangalore, dated 22nd November 1937.

Law 67-37-6

From

A. N. RAGHAVACHAR, Esq., M.A.,
Comptroller to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

To

M. Venkatesa Iyengar Esq., M.A.,
General Secretary to the Government of Mysore,
Bangalore

GENERAL SECRETARIAT 23 NOV. 1937

Sir,

Adverting to Government Order No.P.2567-9/Law.67-37-5 dated 17-11-1937 directing this office to place immediately a sum of Rs 1,500/- (Rupees One thousand and five hundred only) at the disposal of the Deputy Commissioner, Bangalore, for payment to Mr. J.C.Midford, I have the honor to state that a bill for the above amount received to-day from Deputy Commissioner, Bangalore, is audited and passed for payment at the State Huzur Treasury. The amount of the bill is provisionally debited to 1.Land Revenue 2(i) Contingencies of the office of the Deputy Commissioner and orders of Government pointing out the source to which the amount is to be finally charged are awaited.

The main file is under submission. Subd for perusal.

24/11 OV

I have the honor to be,
Sir,
Your most obedient servant,

H.V. Venkata Rama Iyengar
Asst. Comptroller

22-11

Legs Dept 4/1/38

19/4

PROCEEDINGS OF THE GOVERNMENT

H.H.THE MAHARAJA OF MYSORE.

Read-

G.O. No. F.2566-9/Law 67-37-5 dat 17th November 1937 directing the Comptro to place at the disposal of the Deputy C missioner, Bangalore, a sum of Rs.1,500 payment to Mr. J.C. Midford, and stating separate orders will issue regarding the source from which the amount has to be met

Order No. P3275-8/ Laws 67-37-7 dated 24/12/37.

Under rule 128 of the Rules for the conduct of Legal Affairs of Government, expenses connected with the institution, defence and the conduct of any suit or proceedings will have to be met by the Department concerned from out of its budget grants.

In regard to the suit against Mr. Midford, certain items of expenditure have been met from the grants of the Education Deptt. The payment of Rs.1,500 to Mr. J.C. Midford will have also to be met out of the grant of the Education Department.

The Director of Public Instruction requested to point out direct to the Comptroller the source from which the ~~amount~~ expenditure is to be met.

24.12.1937

General Secretary to Governm

The Director of Public Instruction,
The D.C., Bangalore Dist.,
The Comptroller to Govt., through F.D.
The Revenue Commissioner in Mysore.

Cx

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PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE.

Read:-

Government Order No.P.2566-9/Law 67-57-5 dated 17th November 1957 directing the Comptroller to place at the disposal of the Deputy Commissioner, Bangalore, a sum of Rs.1,500 for payment to Mr.J.C. Midford, and stating that separate orders will issue regarding the source from which the amount has to be met.

- - -

Order No. P3275-8/Law 67-57-7.

Bangalore, dated the 23rd/24th December 1957.

Under rule 128 of the Rules for the conduct of Legal Affairs of Government, expenses connected with the institution, defence and the conduct of any suit or proceeding will have to be met by the Department concerned from out of its budget grants.

In regard to the suit against Mr. Midford, certain items of expenditure have been met from the grants of the Education Department. The payment of Rs.1,500 to Mr.J.C.Midford will have also to be met out of the grants of the Education Department.

The Director of Public Instruction is requested to point out direct to the Comptroller the source from which the expenditure is to be met.

B.R. Ramakrishnaiya

for General Secretary to Government.

To

The Director of Public Instruction in Mysore,
The Deputy Commissioner, Bangalore District,
The Comptroller to Government (through Financial Sectt.).
The Revenue Commissioner in Mysore.

E.S.7.

1073/37 p 237

No. 1818/Enel

THE PALACE, MYSORE,

7th January 1938 193

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Law 67-37-8

GENERAL SECRETARY. 10 JAN. 1938

The petition, of which particulars are given below, to His Highness the Maharaja, is forwarded with compliments for favour of disposal.

(Please see if this relates to Res. B-7 Cpb

To

The Secretary to the Government
of H. H. the Maharaja of Mysore.
General Department, Bangalore.

Law Secrin

By Order,

8.1.38

Private Secretary
to H. H. the Maharaja of Mysore.

No. 260. of 1937-38.

Petition dated 3-1-1938, from Mr.J.C.Midford,18/5th Main Road, Malleswaram, Bangalore, praying for an enquiry into certain allegations and grievances set forth in the petition.

List of enclosures. Nine in number.

(94

1. Copy of Petition to the Dewan d/-28-4-1937.
2. do. do. do. do. d/- 11-12-1937.
3. do. of Sale Agreement in my favour d/-1-7-1931 with list of Furniture sold to me.
4. do. letter from Z.John addressed to Dr.Allan Vincent d/-16-5-1932,complaiming about Dr. Paul Chinnappa's behaviour.
5. do. of 4 letters from Dr.Allan Vincent addressed to Mr.Midford d/-19th,24th & 28th May 1932 and 15-6-'32,on the same subject as above.
6. do. from Govt.addressed to Mr.Midford d/-15-12-1932.
7. do. Extract from Miss Young's letter d/-17-5-1932.
8. do. AFFIDAVIT do. do. do. d/-11-7-1932.
9. do. addressed to the Govt.of Mysore d/-18-4-1933.
10. do. of VALUATION of both properties included in Sale agreement(above) in favour of Midford, amounting to a total of Rs 33,450/-

No.18,Fifth Main Road,
Malleswaram.Bangalore City,
3rd January 1938,

J. C. Midford

Petitioner.

No.18, Fifth Main Road,
Malleswaram, Bangalore City,
3rd January 1938.

'95'

To,
Sir Charles Todhunter, K.C.I.E.

Private Secretary to His Highness the Maharaja of Mysore,

The Palace, M Y S O R E.

Sir,

I am in receipt of your letter No.C-886 of the 23rd Dec.1937, and I much regret that His Highness the Maharaja is unable to accord me an interview. Our injured feelings are such, that I feel for all that, that His Highness should be made acquainted with the CRIMINAL ACTS perpetrated against my Wife and I by the Govt.of Mysore, and those who represented them, during a period of over 6 years of our residence at Gudadahalli Village, Dodballapur Taluk.

2. We are British Subjects-and till 2 months back-were residing at Dodballapur for 6 years & 4 months in the late Heart of India Mission properties legally purchased by us on 1-7-1931, & prior to that we were residing in Bangalore for nearly 20 years in "MIDFORD GARDENS". My grievances are amply explained in my two Petitions d/- 28-4-1937 & 11-12-1937 addressed to the Dewan, copies of which are enclosed herewith for His Highness' kind perusal. The following is a SUMMARY from these two Petitions for easy reference.

3. In Paras 1 to 5 in the Ist.petition submitted at the request of the Dewan-through Lady Banerji-all the circumstances leading up to my purchase of these properties from Dr.Allan Vincent, who was the Supdt. of the Mission at that period, are made very clear.

paras 6 & 7- refers to honorary services rendered by me to the said Mission for 15 months and in consideration of such services the Mission Board in America made a reduction of Rs 4,000/-in the sale price of Rs 10,000/-, as shown in the Sale Agreement in my favour d/- 1-7-1931.

para 8 -specifically deals with a precedent created by the sale of another Mission property at Bangalore for Rs 8,000/-sold by Dr.Allan Vincent, who similarly sold their Dodballapur properties to me on above date with absolute possession, and received from me Rs 100/- towards sale consideration.

para 9- deals with the CRIMINAL ACTS OF INTIMIDATION, HUMILIATION, INSULTS THREATS & ASSAULT committed on me by DR.Paul Chinnappa & his Cousin Manuel, on 14-5-1932, when I went across to the late Girl's Home (now occupied by the Rural Y.M.C.A.) to remove certain furniture which I had purchased from the Mission and which formed part & portion of the sale consideration of Rs 10,000/-in the Sale Agreement in my favour d/-1-7-31. To add to my HUMILIATION, Dr.Paul Chinnappa brought with him to those premises 2 Govt.Policemen in Uniform & 17 other men, and with this show of force prevented me from removing my furniture, VALUED AT Rs1,000/-! This para also deals with the THEFT of my Wife's FOWLS and other articles by him, for which a complaint was filed in the local Police Station against him. (Vide record in Police Register in the Office of the Dist.Supdt.of Police at Bangalore) Thus by his illegal acts-as a Govt.representative-I have been deprived of valuable FURNITURE, and when Miss Young was informed (she was the lady Missionary in charge of the late Girl's Home) she lost no time in sending an Affidavit sworn before a Notary Public of Los Angeles, U.S,A. to the effect that all the articles of FURNITURE etc, left in the said Home, belonged to me. That in addition to these CRIMINAL ACTS, Dr.Chinnappa came with his force & the 2 Policemen to the property situated at Gudadahalli Village (where my Wife & I were then living) and further HUMILIATED us both by forcibly locking & sealing the Mission Cottages & Church (purchased by me) in the presence of all these men & Villagers, who had congregated from the adjoining Village. He took the opportunity of speaking to my Wife alone and he further intimidated her by saying-"YOUR HUSBAND HAS "STABBED THE VILLAGE PATEL" and made much of this to her. This utterly false accusation had a great effect on my Wife, who is not a strong Woman & it was another way of intimidating us to gain his own ends. His accusation is untrue as no such person was there to stab!

All these occurances were reported to the Govt. of Mysore by several personal interviews & communications,but they countenanced these CRIMINAL acts by KEEPING SILENT AND NOT REPLYING to my complaints. (Vide copy of Miss Young's AFFIDAVIT and Sale Agreement in my favour d/-1-7-1931,executed by Dr.Allan Vincent, enclosed.)

para 10-- refers to further CRIMINAL INTIMIDATION by J.R.Isaacs,Secty: Y.M.C.A,who trespassed on the premises(lately occupied by us at Dodballapur) ON BEHALF OF GOVT:,& grossly insulted my Wife & I.

para 11 --refers to my filing a Criminal complaint against him in Court.

para 12 --refers to my Petitions & letters to Govt,who ignored them, & to further ACTS OF TERRORISM BY GUNS BEING FIRED on those premises & the tracing of 4 GUNS BY ME WITHOUT LICENSES.No notice was taken.

para 13 --refers to a still further INSULT to my Wife & I by Dewan Bahadur K.Mathan,who was then holding the TRIPLE POSITION of Ist Membr: of Council,Portfolio for Education & Presdt:,Y.M.C.A.who wanted us "TURNED OUT WITH THE AID OF THE POLICE" during the period when a Civil Suit filed by Govt:against me was STILL PENDING IN COURT &"SUB-JUDICE".

para 14 --refers to filing a suit against me by Govt.on 19-3-1934,but before doing so,they purchased the properties sold to me BEHIND BY BACK, from Mr.Borthwick on 28-4-1933, NEARLY 2 YEARS AFTER MY PURCHASE.

It is noteworthy to mention the following facts in connection with all the foregoing,which I can prove by DOCUMENTARY EVIDENCE if desired.

(a) that on 14-5-1932 Dr.Paul Chinnappa,on behalf of Govt.took forcible possession of the Hospital & Doctor's quarters etc.which also formed part of the Sale Agreement d/-1-7-1931.This property is situated near Basettihalli Village,next to the Girl's Home,which is occupied by the Rural Y.M.C.A.,a distance of I mile from the other Mission property situated at Gudadahalli Village which was also included in the above DEED in my favour. This prearranged action of his,amounting to uncalled for INTERFERENCE OF BRITISH SUBJECTS RIGHTS IN AN INDIAN STATE, IS THE WHOLE CRUX OF MY CASE AGAINST GOVT:! Please note the following points at issue,namely,that his action was carried out 2 YEARS & 5 MONTHS BEFORE THIS PORTION OF MY PROPERTY WAS HANDED OVER TO THE RURAL Y.M.C.A, (2) 4 YEARS & 5 MONTHS BEFORE THE DECISION IN COURT ON 15-10-1936 WAS GIVEN AGAINST ME,WHICH WAS "SUB-JUDICE" in the INTERIM! (3)NEARLY I YEAR BEFORE GOVT'S ILLEGAL PURCHASE BEHIND MY BACK ON 28-4-1933,which transaction took place 2 YEARS AFTER MY LEGAL PURCHASE,i.e.on 1-7-1931! The proper conclusion to be drawn from the above dates is this,that my case in Court-deliberately instituted against me by Govt.-was still pending a final decision and therefore it was in a state of"SUB-JUDICE", which term has an important Legal significance,and my RIGHTS should not have,under any circumstances,been interfered with until the Court's decision.

(b) that Mr.Borthwick did not succeed Dr.Allan Vincent,as the "Agent & "Supdt:" of the Mission until January 1933,although he did succeed him in July 1932 nominally.

(c) that when I reported all these occurances to Dr.Allan Vincent,who was at Yercaud at that time;he got very indignant at Dr.Chinnappa's & Manuel's behaviour and he severely attacked them for interfering with my LEGAL RIGHTS and vehemently gave VENT to his feelings by his expressions in 4 letters addressed to me d/-19th,24th,& 28th May 1932 & 15th June 1932.All these letters have a very important bearing on the CRIMINAL INTIMIDATION perpetrated on my Wife and I by a responsible Govt.Officer and his Cousin Manuel. These letters should be read side by side with Z.John's letter d/-16-5-1932 and Miss F:A.Young's letter d/-Ceylon 17th May 1932.VIDE COPIES ENCLOSED,which will prove conclusively that Dr.Vincent and this Missionary Lady were the only two who were sorry for the treatment we had received, these 2 Indian Christians,before Messrs K.Mathan and J.R.Isaacs came on the scene.

I am sorry that it has become necessary for me to narrate all the foregoing occurances in such detail,but I feel that without them our case would not be made so clear for His Highness' kind consideration.

para 15 --refers to the suit pending in Court & the P R O P R I E T Y of Govt.in purchasing them,especially when they had NOTICE of the SALE AGREEMENT IN MY FAVOUR,and had,as a matter of fact RECOGNISED ME AS OWNER IN POSSESSION AND ACTUALLY OFFERED TO RELINQUISH THEIR LIEN ON THE "BOY'S HOME UNIT" for a CONSIDERATION of Rs 6,000/-!
Vide copy of Govt's offer to me(No.29) and copy of my final NOTICE to them (No.31)enclosed for your information.(In addition to this I wrote to the Govt.of Mysore on the following dates,13-6-'32,5-10-'32,9-11-'32, 5-12-'32,31-12-'32,and 15-6-1933)
I must explain here that the "Boy's Home Unit"is built on a portion of the land sold to me by the late Mission,and in any case, I was not legally bound to purchase this Unit from Govt. although they did make an attempt to force me to purchase it.

paras 16,17,18,19 & 20 --refers to my impeachment of sale in favour of Govt.,the validity of the Power of Attorney in favour of Borthwick,and other matters in the course of the Court proceedings.

para 21 --refers to the group of Indian Christians posing themselves as the representatives of the Govt.,and in the name of Govt.,resorting to unlawful acts of VIOLENCE AND CRIMINAL INTIMIDATION TO EVICT US(which they have succeeded in doing) that it was possible -UNDER THE PROTECTION OF THE MYSORE GOVERNMENT-for two BRITISH SUBJECTS,who had the misfortune to purchase properties in the Mysore State,to be so harassed in their old age! I beg to quote the following warning addressed to my Wife from a highly placed Official's Wife. "I am afraid Mathan & Chinnappa " "don't intend to give you any peace over that property.Such a crowd " "against you -so difficult to fight single-handed,NO MATTER HOW GOOD " "YOUR CASE MAY BE." This has amply borne out the actions of the group of Indian Christians-four in number!

para 22 --refers to the two subsidy grants,given by Govt.to the Mission, of Rs 10,000/-for the Girl's Homs & Rs 6,000/-for the Boy's Home Unit. And how Govt.had made a hugh profit of Rs 15,000/-for their investment. The other matters dealt with in this para are:-that Govt.helped to defeat my purchase with a view to help FIRST the Indian Christians(having failed to do so) to help the Y.M.C.A! AND,about the removal of my furniture and my helplessness against such a strong OPPONENT as the Mysore Govt:.

para 23 -- refers to continual harassment and the amount of expenses incurred by me in defending the suit in Court against a STRONG OPPONENT, costing me Rs 1,623-4-3 up to the end of April 1937 (and Rs 1,700/-up to date) AND, IT IS HARD TO ASSESS AT ANY MONEY VALUE THE MENTAL SUFFERING AND ANNOYANCE which my Wife and I have suffered during our stay in those properties extending to 6 years & 4 months on account of the Criminal intimidation,Insults,Assaults,TERRORISM by the firing of GUNS at frequent intervals and continous persecution to which we were subjected for no fault of our own!

para 24 -- refers to my prayer that "Justice would be done to me",and, that I was prepared to have any settlement with the Govt.which is- "EQUITABLE AND JUST". After waiting for nearly SIX MONTHS and after having had ONE interview with the Dewan and 12 with the Chief Secretary to Govt.,who held out great promises to me in the following ~~starin~~ strain (a)"I have seperated the Civil aspect of the cases pending in Court " "against Govt. FROM the CRIMINAL nature of your complaints". (b)" So "not only have they taken away your income but now they want to deprive" "you of your home."(c) "You will be pleased when you know the sum which " "I have recommended to Govt.that should be paid to you as compensation." " You will then see what Gentlemen we are."(d) "I am really sorry for " "all the criminal acts adopted against you & Mrs.Midford."
After all the foregoing I was given a PALTRY SUM OF Rs 1,500/-as COMPENSATION for withdrawing the Civil Suits against Govt.and to vacate and give over all the properties at Dodballapur to Govt.before the end of October 1927 as they were required for the Rural Y.M.C,A. Having placed me in an impossible position-with a Decree against me obtained under a Law which I understand should have been amended in 1929-I had no other alternative but to accede to the wishes of Govt.and withdraw my cases "UNCONDITIONALLY".Quotations of my interviews with the Chief Secretary- a-b,c & d above are written "WITHOUT PREJUDICE"

Being aggrieved with the unjust result of my first Petition to the Dewan I submitted a REVISION PETITION to him on 11-12-1937,which deals more fully with the nature of the conversations I had with the Chief Secty.

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Chief Secretary and the manner in which he held out hopes to me of adequate compensation to be paid to me for the Criminal Acts.
To this Petition I have received no reply up to date.
(VIDE copy enclosed for reference to the promises held out to me)

S U M M A R Y of R E V I S I O N P E T I T I O N D/-11-12-1937.

paras --3,4,5,6,10 & 11 needs no repetition as the salient points are there

para -- 7 refers to the Doctrine of Part Performance, under which Govt, took shelter and obtained an UNJUST DECREE against me. I have pointed out that had this defective Regulation been amended in 1929, which should have been done then on the same lines as in British India-there would have been no room for a Decree against me. This LONG OVERDUE REGULATION was amended as recently as October 1937-a few weeks back-at the Representative Assembly Meeting at Mysore-with RETROSPECTIVE EFFECT. In view of this new phrase my valuation of Rs 33,450/- should be paid to me (less Rs 1,500/- received on 23-11-1937) which I would then consider "JUST AND EQUITABLE", since I have lost these properties and FURNITURE through the unjust interference of Govt. and its representatives.

para --8 in this para I have drawn an ALLEGORY to the quick punishment metred out to 3 Lawyers for insulting the Mysore Govt., and the very slow recognition by them of actual ACTS OF A CRIMINAL nature amounting to ATROCITIESS which my Wife and I have suffered, especially when FIREARMS were used to terrorise us and which action might have ended in a TRAGEDY! I have sent a photograph of the tile showing the hole through it-made by a shot fired through-in my last Petition.

para 9 --deals entirely with the conversations I had with the Chief Secty:

para 12-- I pointed out therein that at the request of the Chief Secretary who asked me to see the Dewan, I should make a request to him for the balance of the compensation as recommended to Govt. by the Chief Secty. I did see the Dewan on the appointed day and made my request to him. He informed me that he was not prepared to consider it, and that:-" YOU MUST CONSIDER YOUR GRIEVANCES A CLOSED CHAPTER". Such action on his part is foreign to me and for this reason I feel that I have not received adequate justice at his hands and that my CASE should be placed before His Highness for redress.

IN CONCLUSION, MY PRAYER TO BE PLACED BEFORE HIS HIGHNESS FOR JUSTICE AND EQUITY AND REDRESS IS AS FOLLOWS:

I. That in consequence of all the foregoing acts of interference and the Doctrine of Part Performance (which should not have been applied to my case for reasons adequately stated in PARA 7 of my Petition d/-11-12-'37) I have lost property valued at Rs 33,450/- and FURNITURE valued at Rs 1000/-, for which I expect to be compensated (less Rs 1,500/- received on 23-11-'37)

II. That in addition to such compensation I also expect adequate recompense for reasons stated in para 23 of my Petition d/-28-4-1937, i.e.

"It is hard to assess at any MONEY VALUE the mental suffering and "
"annoyance the Petitioner and his Wife have suffered these six long years"
"on account of the Criminal intimidation, insult, assault and continous "
"persecution to which they have been subjected for no fault of their "
"
"own."

Yours faithfully,

J. Cruickshank

(99

BEFORE AMIN-UL-MULK SIR MIRZA M. ISMAIL,K.C.I.E.,O.B.E.

DEWAN OF MYSORE, BANGALORE.

PETITIONER:- J.C.MIDFORD,
18/5th MAIN ROAD,
MALLESWARAM.

The Petitioner abovenamed being aggrieved with the result of the findings of the Chief Secretary to Govt:in regard to his complaints as set forth in his Petition dated 28-4-1937,begs to submit this REVISION PETITION on the following grounds:----

1. That you asked me to send in a Petition,through Lady Banerji,on the grounds that this case should never have gone into Court and that you were ignorant that it had,and that you would see what redress could be made,

2. That you were good enough to order an enquiry by the Chief Secretary to Govt:into certain allegations and grievances as set forth by the Petitioner in his Petition.He gave the Petitioner a patient hearing at each interview and ultimately he seperated the CIVIL aspect of the cases pending in Court against Govt:from the CRIMINAL nature of Petitioner's complaints.

3. The Petitioner respectfully begs to reiterate again in detail for your serious consideration the following criminal acts:--
That the interference of a Govt:Officer,namely Dr:Paul Chinnappa,on 14-5-1932,who prevented me by force from removing my furniture from the late Mission premises,and actually succeeded,for he had 17 men 2 Policemen on my property & I was 1 mile away from the other property, which also formed part of the sale deed in my favour,where I was residing with my Wife.This criminal action not only involved me in the loss of my furniture valued at Rs 1,000/-but incidentally it was the beginning of the ultimate cause of all the subterfuge that led up to my ultimately loosing all these properties,part of which was confiscated,and my locks all broken & Govt:locks substituted nearly 1 year before Govt: actually purchased them from one Borthwick who had no power to sell property which had been sold to me by the Legal Representative of the said Mission.Regarding my Wife's goods.I would refer you to Para 9 of my Petition dated 28-4-1937.These were her personal property for which she holds a receipt. On the 14-5-1932 herein mentioned this same Govt: Officer says in his letter to Dr:Vincent given to me for action that he has "SET HIS SENTINELS". Needless to say you are conversant with the meaning of the word"SENTINELS". The same night many guns were fired round and about the bungalow occupied by us and the adjacent Kitchen which was entered and a shot put through the roof.The firing went on through that night-and the following nights.The next morning we examined the Kitchen-the entrance of which is about 6 feet away from the bedroom-and we found a hole in one of the tiles made by a shot fired from a gun,and the attention of the Police was drawn to this.Herewith enclosed is a photograph of the tile-~~with~~ showing the hole for your information- I had this photo taken because so little attention was paid to my reports to the local authorities concerned.
This terrorism continued and guns were fired on the premises during the (especially when they got me well into the open on my way to the station) early mornings,afternoons and nights.
I would refer you to Z.John's letter dated 10-5-1932,attached to my Petition above,in which he says that"Dr.Chinnappa has taken an undue "advantage of things by acting as an independent and powerful Government "Officer on the spot,which is indeed objectionable".(which he was) His acts of oppression and repression against me as the mood took him, was done to show what Z.John has said and when I refused to give in me

he threatened to have me removed bodily on to the road! All these threats,intimidation,humiliation,the lowering of my prestige and the indignity of it all can only be characterised as A T R O C I T I E S

(For my discovery of 4 Guns without Licenses,the confiscation of 2 Guns by the Police & my report to the I.G.of Police,please refer to para 12 of my Petition)

4. That another Govt:Representative,Mr.J.R.Isaac,who trespassed on the premises lately occupied by Petitioner & his Wife,(on 20-9-1932) became most aggressive in his attitude and threatened the Petitioner and his Wife with criminal intimidation by saying "We are coming in "two days time and will bind you and your Wife's feet and hands "together and will throw you on the road". (Vide full details in para 10 of my Petition) At his trial he persistantly impressed the Judge that he did go to the premises on behalf of Govt: This remark prejudiced my case ,which was dismissed in his favour.

5. The next repressive measure was a public insult to my Wife and I uttered by Dewan Bahadur K.Matthan,while the Suit instituted against me in O.S.No:77 was still pending in the Subordinate Judge's Court and was"SUB-JUDICE".This Gentleman was the 1st Member of Council at that time and therefore a very important Govt:Representative, He remarked to the Amildar " Could you not turn out the Midford's from" "this place with the aid of the Police"? This is another instance of shere criminal intimidation.

6. That the said three Representatives of Govt:,mentioned above, had colluded together over 2 years previously to snatch away that portion of the Petitioner's late property,situated at Basettihalli Village,and hand it over to the Y.M.C.A. for Rural Reconstruction purposes in October 1937! This is a case of premeditated action in order to forcibly dispossess the Petitioner of certain properties legally purchased by him.

7. That your Government obtained a Defree against the Petitioner by taking shelter under the Doctrine of "Part Performance" in the Transfer of Property Regulations, WHICH SHOULD NEVER HAVE EXISTED, for the following reasons:- With due deference and without any interference on my part,may I be permitted to point out that had this Regulation been amended in 1929,as it should have been done on the same lines as in British India,then there would have been no room for a Decree against me in your Law Courts; I understand that this Regulation was amended as recently as October 1937 at the Representative Assembly at Mysore, WITH RETROSPECTIVE EFFECT, therefore I consider myself to be in the same position as I was before your representatives broke into my Sale Agreement by taking my property by instalments,by instituting a case against me in your Courts and by SCATTERING by furniture valued at Rs 1,000/-to their own advantage. Your Govt:wanted this property regardless of how I was deprived of it and they have succeeded! In view of this new phrase namely:-RETROSPECTIVE EFFECT-my valuation of Rs 33,450/-should be complied with,as submitted in my Petitiion dated 28-4-1937,which you asked to send in through Lady Banerji.
In addition to the loss of Rs 1,000/-for furniture,your Govt:has compelled me to incur a further loss of Rs 1,7000/-for defending the Suit in Court. 2 Court fee stamps cost me Rs650/-alone,while the fees for three Lawyers and the inconvenience of attending these cases over 50 times,and other costs etc:is the balance.
Mr:D[illegible]amy,the Govt:Advocate,remarked to the Judge when closing his case against me that"WE have nothing against Mr:Midford,Your Honour,he has purchased these properties according to Law,but according to the Transfer of Property Act only part performance has taken place,WHICH APPLIES TO BRITISH INDIA,but does not apply to the Mysore Courts" Again beg to submit that he should not have taken shelter under a Law which should have been amended by your Govt:3 years ago.
8. In view of all the occurances stated above the Petitioner hopes that he may be pardoned in drawing the following ALLEGORY:-That your Govt: were quick enough to punish recently by imprisonment 3 Leaders who insulted Govt:,YET,the same Govt:are very slow in recognising the actual etc of criminal intimidation,insults,terrorism humiliation.all [illegible]

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a consequence has undermined their health especially when firearms were used which might have ended in a TRAGEDY,had they not taken shelter in a dark room recess. This went on periodically during our stay at Dodballapurfor over 5 years until we were ultimately expelled by a Law.i.e.the Doctrine of part performance which should never have existed in your Courts.
These occurances were reported to your Government by TEN LETTERS OF complaint,by personal interviews,by reports to the Local Authorities and by a lengthy complaint to Mr.Hamilton.the I.G.of Police,but all to no purpose,while Govt:have kept quiet by adopting the policy of a non-commital attitude by not replying to these complaints!
The Petitioner maintains that in consequence of the above he has been denied and deprived of the privileges of British Justice,the Law of Equity and the security of British Subjects residing in an Indian State

9. That the Chief Secretary to Govt:,who was deputed to examine my Petition dated 28-4-1937,had several interviews with the Petitioner, and has failed to appreciate the most salient points at issue,although he lead the Petitioner to believe that"You will be pleased when you" "know the sum which I have recommended to Govt:that should be paid to" "you as compensation" *You will then see what gentlemen we are*, His other remarks are as follows:---
(1)"So not only have they taken away your income but now they ~~have~~ent deprived you of your home" This remark,coupled with yours,~~to~~ me,i.e. "Keep in touch with the Chief Secretary.Whatever he recommends I will Endorse",suggested to my mind that I would get the full value of the properties vide Petition,which,as I say,you asked me to submit through Lady Banerji,during the period when my cases were instituted against your Govt:for the recovery of same.
(2)He sympathised with me for all the criminal acts and repressive measures adopted against the Petitioner and his Wife.
(3)He promised to have his recommendation passed by you before your departure to Java as you could use your prerogative in such matters.
(4)On 1-10-37 the Petitioner was informed that you wanted the properties lately occupied by us,by the end of that month,for the Y.M.C.A.,otherwise Govt:would execute their Decree against me.If I showed good-faith in doing this and withdrew the two cases pending against Govt:my expenses would be paid after their return from the Dasara.
(5)The Chief Secretary invited the Petitioner to his house on Sunday the 3rd Oct:since he wanted to make sure if the Petitioner would withdraw his cases in Court and would show good-faith by vacating the properties by the end of that month,as he wanted to convey the Petitioner's assurance to you at Mysore,where he was proceeding that night.
Again he referred to the amount which he had recommended and remarked that I would be pleased when I knew what it was.
There is only once inference to be drawn from these conversations between the Chief Secty:and Petitioner,and the impression left on the latter's mind was that adequate compensation was recommended which would satisfy the Petitioner.
On the return of the Chief Secty: from the Dasara the Petitioner was informed-at an interview-that he would be paid Rs1,500/-now,and that he must continue to remind Govt:by another Petition,for the balance.
It will thus be observed that the Chief Secty:'s findings are all in favour of Govt:and too much of a one sided nature,but so far as the Petitioner is concerned he feels that he has been let down very badly.
Para 9 & sub-paras 1 to 5 are written WITHOUT PREJUDICE J.C.M.

10. As a result of my report to Dr:Allan Vincent(who sold the Mission properties to me)about Dr:Paul Chinnappa's unwarranted behaviour and the assault of his Cousin,(one Manuel)on the Petitioner.The former severely attacked the attitude of the Indian Christians who had interfered with my legal rights and vehemently gave vent to his feelings in 4 letters addressed to the Petitioner dated 19th,24th,& 28th May '32 and 15th June '32.All these letters have a very important bearing on the criminal intimidation towards the Petitioner by a responsible Govt: Officer and his Cousin Manuel.They should not be dealt with lightly-and should be read side by side with Z.John's letter dated 16.5.'32. Vide copies attached to Petition)

11. That as a comsequence of all the ACTS mentioned above the Petit-

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Petitioner has been completely deprived of properties valued at Rs 33,450/-and which was purchased by him at a barg in,i.e. Rs 10,000/- (Rs ten thousand)as part consideration for honorary services rendered by him to the Mission for 15 months,~~which~~,and as a matter of fact,he could have been earning at the rate of Rs 500/-(and much more) per men: during that period of 15 months(@ Rs500/-p-m-equals Rs 7,500/-)had he not been persuaded by Dr:A.Vincent not to go to Madras but to remain back and do honorary service for the Mission,for which the Home Board allowed him Rs 4,000/-reduction in price.This is where the Bargain came in.Thus it will be seen that the Petitioner has sustained considerable loss,through no fault of his own,but by undue interference of those who represented the Government of Mysore. In addition to this,he and his wife have been deprived of a Home after having lived there for exactly 6 YEARS & 4 MONTHS!

12. In compliance with the request of the Chief Secretary the Petitioner had an interview with you on the 3rd December to make a request for the balance of the compensation as recommended by him to Govt:,but after hearing him you informed him that you were not prepared to consider it and asked ~~him~~ him to consider his grievances a "closed "chapter". This the Petitioner is not prepared to accede to as such a request is foreign to him after all the foregoing occurances.

In conclusion the Petitioner has exercised great tolerance and forbearance and requests that the balance of his value(since he has only received Rs 1,500/-up to date)of his properties purchased by him in the first instance,as shown in his Petition dated 28-4-1937,may be ordered to be paid to him at an early date.

Sg: J.C.Bridford
Petitioner.

No:18/5th Main Road,)
Malleswaram.)
Bangalore City.)
11th DEC: 1937

No. 1.

1, Midford Gardens, Bangalore, India
1st July 1931. BN/~~4465~~ 763

To,
J.C.Midford Esqr,
"Somers t Hall", 42, South Parade, Bangalore.

Dear Sir,

With reference to our conversation regarding the sale of our Mission property situated at Dodballapur together with all the furniture .I have considered your offer and I agree to accept the sum of Rs10,000/-, payments to be made at a week's notice as agreed upon, for the Boy's Home and Girl's Homes and Hospital, Mango Grove and all furniture as per details given below. You are at perfect liberty to occupy any of the properties mentioned below that suits you as I have put you in absolute possession of same from this date and have handed over to you all the furniture as per list attached.

I have this day received as earnest money towards the said purchase price of Rs 10,000/-mentioned above the sum of Rs 100/-and I agree to have this transaction duly confirmed by a regular Sale Deed in due course.

1.-Boy's Home ,comprising 51 acres and 22 guntas of land bearing Survey numbers 69/1,69/2,69/3,69/4,70,71/1,72/2,71/3,72,97 &49/1-B, situated in the Village of Arehalli Guddadahalli Kashaba Hobli Dodballapur Taluk in the Mysore State together with five Mangalore tiled houses, one tiled Kitchen and one tiled ~~Kitchen~~, Out-house with all wells Mango and all other trees and other apourtenances existing thereon.

2. Girl's Home, ~~comprising~~ this is built on a portion of the land comprising 12 acres and 17 guntas bearing survey No.56 situated in the Village of Basettihalli, Dodballapur Taluk. The above area is sold to you except that portion of land on which the Girl's Home and School is built, which building was subsidised by a grant for the purpose of a School by the Mysore Government.

3. Hospital building with Doctor's quarters, (2) Kitchen and store room, and (3)" motor garage & chauffeur's room situated in Survey No: 56 to the South of the said Girl's Home and School.

4. Mango Grove ~~c~~comprising 4 acres and 2 guntas of dry land bearing Survey Number 57 situated in the Village of Basettihalli, Dodballapur Taluk, together with all trees, a well, a building and other appurtenances thereon.

5. All and every description of furniture and other moveable articles in the Boy's Home and Girl's Home and School as per list attached herewith.

~~Any further information~~ I shall be glad to accompany you to Dodballapur and give you any other information which you may require about the properties mentioned above.

Yours faithfully,

Signed: Allan Vincent

certified copy
J.C.Midford

No. 1-A

LIST OF FURNITURE IN MISSION BUNGALOWS AT GIRL'S AND BOY'S HOMES, SCHOOL ROOMS, HOSPITAL and DOCTOR'S QUARTERS.

Mission Bungalow at Girl's Home.

4 cane chairs, 4 plants, 1 cocoanut mat, 1 cane sofa, 1 cane chair, 1 small chest, 1 clothes rack, 1 cory, 1 basket, 11 blankets, 1 cot and small mattress.

Bed and bath-rooms.

North side :
1 cot, 1 chest-of-drawers, 1 mirror almirah and contents, 1 rocker, 1 mattress, 1 small tea-poy, 3 small rugs, 1 grass mat, 1 mirror, books, 1 stool, 4 curtains, 1 picture. 1 wash stand, 1 bucket, 1 water pot, 1 wash basin, 1 stool and 1 sanitary commode.

South side: 1 cot,1 chest-of-drawers,1 dressing table with mirror,1 tea-poy
1 bangalore carpet,1 mattress,3 pictures,1 wall lamp, and 1 mirror in frame.
1 commode,1 stool and 1 wash basin.

Inside bed-room,1 cot,1 mattress,1 mat,1 folding organ,4 pictures,1 stool,
3 curtains,1 large teak-wood almirah,1 solid table with broken marble pieces
1 mirror in frame.1 commode,1 wash-basin,1 water pot,3 commode vessels,1 wal
lamp.

Office: 1 writing desk,1 glass almirah,3 tin trunks,1 mat,2 guitars,1 chair
1 lamp,1 wooden book-shelf.

Drawing-room : 1 suite consisting of 2 sofas and 4 chairs,2 tea-poys,1 benge
bangalore carpet,2 mats,6 pictures and 2 lamps.

Dining-room: 1 glass cupboard,6 chairs,1 large table,3 curtains,1 hand s
sewing machine,4 pictures,1 oil cloth mat,remnants of a china set,plates etc

Kitchen: 1 meat safe,1 table,1 oil stove and oven,china ware,1 cooking brass
pot,2 stools,1 large size brass water utensil.

Girl's Home : School-room furniture,2 large lamps,44lanterns,1 ladder,
4 grain bins,2 mirrors,1 mill stove,1 small rocker,5 trunks,2 boxes, 6 chairs
2 stools,16 blankets,,3 metal cooking pots,2 curry stones,4 tables,2 wash-
stands,2 black-boards,1 legsewing machine,1 dinner-wagon,(1 bicycle taken
to Bangalore by Dr.Vincent)

HOSPITAL. 1 largetable,1 marble top table,,1 double wire cot,3 metal wash-
stands,16 pictures,1 small almirah,1 glass almirah and medicines complete
1 stool,1 double almirah,1 round table,1 operating table,1 commode,1 chamber
1 jug,2 large basins,1 small basin,2 zinc tubs small,1 bucket,2 large bowls,
2 small bowls, Mission bungalow at Boy's Home.
"
2 beds,3 mattresses,2 blackboards,1 easel,3 desks,3 almirahs,12 benches,
3 maps,2 pictures,4 blankets,5 tables.

Class room: (9 chairs only 5) 2 pit looms,1 warping machine,1 warping ste
stand,3 bobbins and machines,1 dozen shuttles and 100 bobbins.

Mission bungalow. (2 trunks) 3 stools,2 commodes,2 wash-staands,2 clothes
racks,3 basins(all broken)1 cupboard,1 mat,24 Renco posts,

1 wooden cart and child's conveyance.

Stamp of;- "Heart of India Mission Band"

Signed;- Allan Vincent

Stamp) Superintendent in India

Bangalore S.India 1-4-32.

Copy of a letter from Z.John,Hon:Secretary,M.I.C.E.F.Association, dated I6th May I932, to Dr: Allan Vincent ,at Yercaud.

No. 6-A. I6th May I932.

Dear Dr:Vincent,

I am in receipt of your letter dated the I5th instant. The undated letter is written by Dr:S.P.Chinnappa and though it has my signature yet,it has not my consent which please note. Whatever that took place on Saturday(I4-5-32) in Dodballapur was most un-Christian I should admit,and I never thought that some of us or at least two of us would behave in such an unworthy manner.

I REALLY SYMPATHIST WITH MR: MIDFORD.

In my opinion Dr:Chinnappa had no business to interfere with my work (i.e.taking possession of the buildings) in so doinghe has not only neglected and overruled the Secretary but also has taken an undue advantage of things by acting as an independent and powerfyl Government Officer on the spot,which is indeed objectionable. Let not this true information trouble in the least Doctor,for with the help of the Committee,I hope to adjust matters satisfactorily in the near future.

The Association is keen on starting the Boarding School soon provided,you send the money we are in need of at an early date.

I am really very sorry for what all did happen on Saturday while I was there to take possession of the buildings as per your desire. It looks rather strange to me to find men of higher worldly position in life with no knowledge of the precious saying of our Lord" What shall it profit a man if he shall gain the whole world and loose" his own soul"?

Please treat this as a personal information and oblige.

With kind regards.

Very sincerely yours,

Signed:- Z.John

certified copy.
J.C.midford

COPIES OF 4 LETTERS FROM DR:ALLAN VINCENT ADDRESSED TO J.C. MIDFORD IN WHICH HE SEVERELY ATTACKS THE CRIMINAL ACTS OF DR:PAUL CHINNAPPA & HIS COUSIN & VEHEMENTLY GIVES VENT TO HIS FEELINGS FOR THE WAY MIDFORD WAS THWARTED AND PREVENTED FROM REMOVING HIS FURNITURE. 106

IT IS VERY IMPORTANT THAT THESE 4 LETTERS SHOULD BE READ, SIDE BY SIDE, with Z.JOHN'S LETTER TO DR:VINCENT DATED 16TH MAY 1932, IN WHICH HE ALSO BITTERLY COMPLAINS OF DR:CHINNAPPA'S BEHAVIOUR AS "INDEED OBJECTIONABLE".

No:1. YERCAUD, 19-5-1932.

Dear Mr.Midford,

I was glad to get yours of 16th. I got your other 2 o.k., I registered my last 2 as one never knows! In my letter to Govt:(& in copy to John) I handed over Girl's Home & Boy's Home unit-but did not mention HOSPITAL or land. If they are in possession of the Hospital, how can we get them out? I enclose another sweet letter from Dr: J A C K A L Chinnappa, please read it and return it for my collection. I am just sending a R.C. "Dr.Vincent acknowledges receipt"-BUS-till we decide what to do with him. I have John's signed receipt for Miss Young's letter. He says Chinnappa wrote the allegations of your attack on Patel & made him sign it. I suppose you had no witness as to your innocence?

I also wrote to Mr.Isaac, o.b.e. Y.M.C.A, Bgle:City (Pres:of the J A C K A L Assn:) complaining of the way you were thwarted in moving the furniture, and also of the theft of the fowls and Guitars. He, I think, is a fairly decent man. I have urged Mr.Borthwick to take possession of the Hospital. We could moreover put a padlocked lid on the well in the Mango Tope & keep them from using it. Even if Mr.B. doesn't come we could do this. As things are now we may arrive back about June 3 or 4, but you can keep this information to yourself at present.

SD: A.V.

No:2. YERCAUD, 24-5-1932.

Dear Mr.Midford,

Many thanks for yours of 22nd:(Sunday) I am writing Mr: B. to urge him on no account to leave Hospital. I wrote this to Bangalore If he is out there please ask him to post me on the Key of our house (registered post) at once-it must come here-to YERCAUD.
My exam:is very close now. Will write later giving details of my movements & probable date of return. Impress on Mr.B. not to leave DCD: unprotected. This is important. I have kept the letters you sent me & will forward them.

Will deal with Patton matter on my return. Excuse haste-am just going out-no time for more. Your letters often take 2 days-do mine take so long? Salaams to Mrs.Midford.

Yours,
Sd: A.V.

I don't think its any use Amirdham sueing Dr. C. as he can EASILY B R I B E T H E JuU D G E, consult with B. re this.

No.3. YERCAUD, 28-5-1932.

Dear Mr.Midford,

Forgive my not replying before- My exams have meant extra
extra pressure on me. Also I am packing up for Kotagiri and after that any time expect to return. Cannot give definite date yet.

Altho: you have R I G H T O N Y O U R S I D E, AND S H O U L D B E G I V E N J U S T I C E, I F E A R T H A T A N Y L A W S U I T A G A I N S T T H E J A C K A L W I L L E N D I N F A I L U R E, HE CAN SILLY PULL ALL THE WIRES, AND WITH A LITTLE

NO. 3 contd:

HE CAN SIMPLY PULL ALL THE WIRES,AND WITH A LITTLE BUCKSHEESH HERE AND THERE(SAY A FOWL OR TWO) CAN EASILY CORRUPT JUDGES AND POLICE.

So I really would not advise you to go to Law.

ALL THE LAWYERS SAY "A GOOD CASE", BY THIS THEY MEAN "MONEY IN MY POCKET", WHICH IS ALL THEY CARE FOR.

I fear it is worthless throwing good money after bad. At any rate I advise that you do nothing till you see me in Bangalore.Then we can talk over things,better than by correspondence. Excuse this scribble.I have to pack up to-morrow.It is late now.Mother joins me in her best wishes to you both.She will write to Mrs.Midford soon.

We got her letter re the various assaults in DOD:by JACKAL,Kaffir, Puncher & Co;(unlimited)

IF THEY ALL GATHERED IN THE GIRL'S HOME,AND THE ROOF FELL IN, IT WOULD ONLY BE A JUST REWARD FOR S W I N D L I N G! However,we can safely leave them all to GOD, HE is still on the THRONE. Excuse my enclosing this in Mr.B's.I am too tired to get another envelope.

Yours,
Sd: A.V.

P.S.
Sunday. John writes asking me to a meeting on my return.I am replying that they must FIRST HAND OVER THE FURNITURE.

No:4. 9.Cunningham Crescent,
Bangalore,S.India. 15-6-1932.

Dear Mr.Midford,
Thank you for your two letters. Forgive my not writing before. I have been up to my eyes in work.

NO NEWS FROM JACKALLS,I VISITED ANOTHER MEMBER OF THEIR PACK TO-DAY.(I DON'T KNOW HIS NAME)and enquired but got no more satisfaction.

Since Mother wrote she has been poorly again & has had to stay in bed. However,I am glad to say she is better to-day-but I am afraid we cannot come out on Sunday,The Journey would be too much for her,and she has not been out in the Car around here yet. I enclose Rs 10/-gor Girl's Home expenses. I will enquire re FREMA.

I feel I ought not to press my views upon you re the matter of taki action against Dr.C. & I do not think you should withdraw simply to avo my being drawn into Court. On carefully pondering the matter I feel you should be free to act as you think bestin this case.Hope Mrs.Midford is better now. With salaams.

Yours,
Sd: A.V.

Certified copies.
J.C.Midford

No. 24.

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A F F I D A V I T.

I. Florence A,Young, at present residing at 1245 N:Sierra Bonita Avenue, Pasadena.California, U.S,America,do make oath and say as follows:-----

1. I was Missionary in charge of the Girl's Home of the Heart of India Mission Band of California,situated in Dodballapur,Mysore State, S.India, until May the 13th 1932.when I left my position to go to America on deputation work.

2. The Heart of India Mission Band,Inc.,has transferred its properties in dodballapur to the Mysore Indian Christian Education Fund Association after the suggestion was made for various causes reasons by some of the leaders of this Association to effect a temporary transfer.with possession,before my departure which would be duly confirmed by the Superintendent of the said Heart of India Mission Band, Inc,.

3. The actual properties involved were (1) Mission Bungalow attached to the Girl's Home (2)A Girl's Home,known as "Children's Paradise" (3) Hospital with Doctor's quarters,out-houses and other appurtenances belonging to them (4) Boy8s Home Unit (5)Thirteen acres and seven guntas of land on which No1 is built.

4. The temporary transfer made by me to meet the urgent need which the situation demanded was effected on certain terms and conditions to which all the parties mutually agreed:namely(a) that item No:3,that is,the Hospital with Doctor's quarters etc:,would be deemed to be held as in the possession of the M.I.C.E.F. Association only as a safeguard against the possibility or forcible possession by a third party. (b) That the said M.I.C.E,F,Association,would write a letter to the Superintendent of the said H.I.M.Band,Inc:,making it very clear that only temporary possession was given to them by me for reasons stated above and that they would gladly hand back absolute possession to the said H.I.MmBand.Inc,when they were called upon to do so.

5. I now learn with grave concern that the leaders of the said Mysore Indian Christian Education Fund Association have already broken faith and gone back on their word of honour to write the letter in question and they have forcibly retained possession of certain furniture which was left in the Girl's Home and Mission Bungalow and was never intended to be handed over to them but to be given to Mr:J.C.Midford ON AUTHORITY OF the Superintendent in India of the Heart of India Mission Band. Inc, Dr:Allan Vincent

6. This unchristian act,amounting to dishonesty,has shocked me more than

words can describe, specially as I was convinced in my mind that I was dealing with honourable christian gentlemen of high spiritual character for whose cause I recommended the transfer of these properties both to the American Board of Control and to the Superintendent in India of the H.I.M.Band,Inc., with success and as the result of which I left for America to go on deputation work with a view of raising funds to further the work of the said M.I.C.E.F,Association.

7. This deplorable act on the part of the leaders leaves my mind in grave doubt and I must conclude that there must be some mistake somewhere which I am praying will be cleared up by GOD in HIS Providence.

Signed:--Florence A.Young. July,11th 1932.

State of California.

County of Los Angeles:--SS.

On this 11th day of July 32, personally ~~known~~ appeared before me, the undersigned NOTARY PUBLIC, within and for the County of Los Angeles, State of California, Florence A. Young, who is personally known to me to be the person whose name is attached to the foregoing Instrument of writing and she has acknowledged to me that she executed the same, and certified that the facts stated therein are true.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my Official Seal this 11th day of July 1932.

Signed:--- A.J.Young. NOTARY PUBLIC.

My Commission Expires January 15th 1936.

S E A L :

A.J.Young, Notary Public, Los Angeles.

Cou: Cal:

certified copy
J C Bradford

(Copy of reply from Govt.) Bangalore, 15-12-

From,
The General Secretary to the Govt. o:
H.H.the Maharaja of Mysore. Bangalore.

To, Mr.J.C.Midford, Guddadahalli Village, Dodballapur.

~~Sir~~== No:E-2064. Edn:132/31/18.

Sir,
With reference to your letter dated 9th Novbr.1932, REGARDING THE PURCHASE OF THE "BOY'S HOME UNIT" BY YOU FROM THE HEART OF INDIA MISSI
I am desired to state that Government will relinquish their lien on this building if you pay Rs 6,000/-before the end of this month

I have the honour to be etc.

Signed-~~C~~--- C.E.Noranha
for General Secretary to Govt:

Extract from a letter from Miss F.A.Young regarding my complaint about the FURNITURE which I was prevented from removing.

"S.S.Irwin"en route to Ceylon,
May, 17th, 1932.

Addressed to Mrs.Midford.

" I am so sorry to leave you dear ones behind. India is not fit to have
"such good kind hearted people. I am so DISGUSTED since I heard of "
"Dr.CHINNAPPA'S R O G U E R Y, as Mrs.Vincent calls it! I don't know "
"how to express it. If he wanted to seal those doors, why should he do
"so against you or Mr.Midford only to S T E A L T H A T F U R U
"R E, which belongs neither to him or to the Association. It is
"ABSOLUTELY WICKED OF HIM AND I DON'T CONSIDER HIM A "
"CHRISTIAN AT ALL and shall render no help to him nor to any of
"kind. I HOPE GOD WILL PUNISH HIM GOOD so he'll realize he's
"done wrong. I am thinking continually of you and praying that GOD
"will give you a grand deliverance out of the hands of your ENEMIES."

Certified copies. J.C.Midford

The above utterance of an American Missionary Lady towards a Christia speaks for itself, and needs no further COMMENT!

This is proof positive that Dr.Chinnappa has caused my FURNITURE to be scattered-after preventing me from removing it. All his Criminal acts have lead up to the present C R I S I S!

COPY OF A LETTER TO THE GOVERNMENT OF MYSORE.

Guddadahalli Village,

Dodballapur, 18-4-1933.

To,

The General Secretary to the Government

of H.H.The Maharajah of Mysore, Bangalore.

Dear Sir,

While thanking you for your letter No.E-3381-Edn-132-31 dated 11-4-1933,I much regret that Govt:is unable to comply with my request. I beg to submit that I have repeatedly informed Govt:by communications and interviews that I had purchased certain properties from the H.I.M. Band,Inc:,as far back as 1-7-1931,with absolute possession,and in proof of this I sent you a copy of the Sale Deed and list of FURNITURE attached thereto on 5-10-1932,and in addition,I made it very clear that I was waiting for a concession in price which had been recommended by Dr.Vincent and Miss Young,

2. There was no object or valid reason why this Agreement to sell should be stamped according to Law because the question of a concession had first to be settled before the correct value of stamps could be fixed thereon.This matter was a private one AND IT CONCERNED ONLY DR:VINCENT and I,but it has been made much of against me! This concession-Rs 4,000/- and the confirmation of the sale of these properties to me was given effect to at a Board Meeting of the Members of the said Mission on 19-11-1932,and a Cablegram was sent to me bearing that date followed by a communication by letter confirming the Sale to me and the concession in price. I wrote and acquainted your Govt:of these facts on 31-12-1932.

3. THUS,by this concession of Rs 4,000/-,the purchase price of Rs 10,000/- was reduced to Rs 6,000/-,which sum has to be paid to Government only since nothing is due by me to the said Mission,who have conceded their=ri right to me by the grant of the said concession in my favour, AND CANNOT NOW REVERSE IT!

4. By the mere fact that because I have not paid your Government for the"Boys" Unit for causes explained in my letters dated 27-2-1933 and 27-3-1933,it does not in any way effect my legal rights over the other properties(WHICH DOES NOT FORM PART OF GOVT: PROPERTY) which have passed automatically into my possession by the grant of the said concessi

5. I have heard on realiable authority that Mr:Borthwick is negotiating with your Government for the sale of the Hospital on the strength of a Power of Attorney granted to him a few weeks back by the Board in America who have been GULLED by more misrepresentation! Such a Power is null & void in Law as it cannot take precedence to a valid bona-fide document executed in my favour nearly 2 years previously and confirmed by the said Board four months previous to the said Power of Attorney!

6. I do not think that your Government would entertain such an illegal suggestion,much less be an actual party to it? But since it is possible that they can be mislead on the strength of misprepresentation by men who have their own selfish motives at heart,I must warn you please under no consideration to entertain such a suggestion.

7. Since I am the rightful and legal owner of the Hospital and Doctor's quarters,I am quite prepared to make a suggestion to your Government, which is,that they hand over to me the "Boy's Unit"in exchange for the Hospital and Doctor's quarters and a portion of the land.

8. PRAYER:- In conclusion,I most respectfully pray that if therumour I hear about the negotiations for the sale of my Hospital by Mr: Borthwick to your Govt:has any foundation of truth-that Government will issue immediate orders for a stay of such negotiations and the cancellation of same.

Yours truly.
Sd. J.C.Lidford

certified copy
J.C.Lidford

NOTE:-

This letter of warning is dated 18-4-1933 and yet on the face of it Govt: actually purchases the properties in question on 20-4-1933! 10 days af

VALUATION OF PROPERTIES BELONGING TO THE LATE CLARK OF KOLAR

Mission Band, which were sold to J.C.Midford on 1-7-1931 by Dr.Vincent

No:I situated at Gudadahalli Village, Dodballapur Taluk, comprising the following BUILDINGS, Mango trees, Rivetted Wells etc.

Mission Bungalow built in 1850		4,000-0-0
Chapel (or Church)		1,200-0-0
Single Cottage		1,500-0-0
Double do:		2,000-0-0
Kitchen & Godown combined		1,300-0-0
BOY'S HOME UNIT, subsidised by a Govt.Grant of		6,000-0-0
Cattle sheds and Motor Garage		250-0-
Large stone rivetted Well		550-0-0
Small do. do. do.		250-0-0
300 Mango trees, Fully matured @ Rs 10/- each		3,000-0-0
20 Tamarind and Jack fruit trees 5/- do-		100-0-0
Hundreds of MC NGI do. =+ in one lot		125-0-0
58 acres of land 50/- per acre		2,900-0-0
		23,175-0-0
less value of Boy's Home Unit-which is) not Mission Property, although it was) sold to Midford by a misapprehension!)		6,000-0-0
Actual Value of Mission Properties sold to Mr.Midford on 1-7-1931 equals		Rs 17,175-0-0

No.II. situated at Basettihalli Village, Dodballapur, comprising the following buildings, Mango tope, Rivetted well etc.

Maternity Hospital) Doctor's Quarters, Outhouses etc.)		12,000-0-0
Mango Tope		1,750-0-0
Large Rivetted Well		700-0-0
Survey No.56 comprising of 1¼ acres & 17 guntas @ 500/-		625-0-0
do. 57 do. 4 acres @ 50/- per acre		200-0-0
BUNGALOW, which I was prevented from removing by Dr. Paul Chinnappa, and Fowls etc. stolen by him.)		1,000-0-0
Total Value of absolute Mission property -		Rs 15,275-0-0

Value of No.I property-detailed above	Rs 17,175-0-0
do. No.II do. do.	15,275-0-0
Total Value of both properties lately owned by this Mission, which were all sold to the Petitioner, Mr.Midford, as per SAID AGREEMENT.	Rs 33,450-0-0

J.C.Midford
Petitioner
9 1 1932

4073 4093 Law 67-37 Law 67-37-9 4849 P 37 (113

No. L. Dis. 37/37-38. Ballabrooie,
Bangalore, 15th February 1938.

FROM

GENERAL SECRETARY. 16 FEB. 1938

SIR CHARLES TODHUNTER, K.C.S.I., J.P.,
Private Secretary to His Highness
the Maharaja of Mysore.

To

The General Secretary
to the Government of Mysore, Bangalore.

Sir,

In continuation of the correspondence ending with this Office letter No. 1818 of the 8th January 1938, I am desired to forward herewith for favour of disposal a letter dated the 11th February 1938 from Mrs. Midford.

I have the honour to be,
Sir,
Your most obedient servant,

Private Secretary.

No.18, Fifth Main Road,
Malleswaram, Bangalore City.
11th February 1938.

To,
His Highness The Maharaja of Mysore, G.C.S.I., G.B.E.
The Palace, M Y S O R E.

Sir,

It is now over a month since my husband went to all the trouble to send you all the papers-through Sir Charles Todhunter-laying the foundation for the truth of the deplorable treatment we have both received at the hands of the Officials-who go to form the House of Your Highness' esteemed Government. I feel that it is time that I did some plain speaking, with the full assurance that I am perfectly within my rights since I have also suffered mentally and bodily at the hands of these gentlemen. Not only this, but we now waken up to find that the last act in the drama ~~in the act~~ stands out even more than those criminal acts perpetrated against us from the very commencement-whether meant or not.

Not having heard from the Secretary in the General Dept: my husband went to the office on the 9th inst to find out what had become of Your Highness' order d/-7th Jan: 1938-through Sir Charles Todhunter (which was not quite the reply to send to my husband on such an important matter) however, perhaps you would be good enough to wade through the result.

The Secretary:-"I have been asked to examine your case and can find nothing on the file to show that the criminal aspect of your complaint was seperated from the civil aspect. You were paid Rs 1,500/-for withdrawing your cases from Court, which Govt? considered adequate".
So this is the outcome of all that has happened.

My reply to the above is, whether any sane man would withdraw his cases in Court for the paltry sum of Rs1500/-, which hardly covers the stamps on the cases in Court-or pay the Lawyer-to say nothing of being detrimental to his and my interests, had not elaborate promises not been held out to him, with endless auto-suggestions, during the 14 times they kept my husband dancing attendance on them and enlisted him into their confidence. NO! of course this would not be on the file, any more than Lady Banerji's letter to my husband on the 6-10-1937, wherein she conveys the following message from the Dewan:--

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"Sir Mirza hopes you are withdrawing your cases against Govt:as it will not help you to go on with them". and you are to receive Rs 1,500 /-"

And when was this sent? Why,the same day on which my husband withdrew his cases in Court,and had written to the Chief Secretary to Govt:to say he had done so,as he,the C.S.requested him to do.

Our Lawyer informed the Court as follows:-"This case has been settled out of Court with Govt". the Govt:Lawyer remarked"that his fees had to be paid" & asked for an adjournment to the 29-10-1937,by which date the Chief Secretary would return from the Dasara.

When my husband wrote to the Shief Secty:at Mysore on 7-10-37(the day after his withdrawal of the cases)the C.S.waited until the 22-10-37before he replied. The copy of his reply is enclosed herewith.

To say the least of it,it contains nothing but a tissue of falsehoods. The principal points at issue and which, as a truthful woman,I take great exception to is-"any "help the Govt.might give you would be entirely as a "matter of compensation in consideration of the hard- "ships you say you have undergone without conceding any "of your legal claims. It is a matter of surprise there- "fore,that it should have been represented to the Court "on your behalf that the suit would be withdrawn as the "result of a settlement out of Court. I am however,glad "to inform you that your prayer for financial help is "receiving consideration at the hands of Govt:".

When the C.S.returned from the Dasara,he went to see him as desired on Monday the 25th Oct:and fenced the aforegoing with him and the reply he got was"Don't worry about that Mr. Midford,I have arranged with the Dewan and have made an appointment for you and you can go to him for the balance. I couldn't write to you about the withdrawal of the cases as it is a matter between you and I and the Dewan".

This is false MG

The last Secy was present at the last interview

When my husband had withdrawn his cases at the suggestion of the Dewan and the C.S.-to show good faith-it would appear to me that the Dewan must have been left to break the news about the small amount he was insulted with,i.e. Rs 1,500/-through Lady Banerji.

What could he do under such circumstances? Note the message he sent-and the kick at the back of it! in her letter.

I guess the Secretary did not find that on the file

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bile either, any more than the auto-suggestions?
As you will see, one says that he is not interfering with my husbands legal rights and claims, while the other compels him, with a kick at the back of it, to withdraw his cases from the Court, and as I have mentioned before, further insults him with a paltry sum of Rs 1,500/-. Had the whole thing been straight forward, the Dewan should have sent for my husband when he found out (as he put it) he had no idea etc: that the matter had been put into Court. Then he sent word through Lady Banerji, to ask my husband to send in a Petition thro: her - he was so full of sympathy. He said he would go through it. This petition led up to my husband being put into a VICE so to speak. My husband was out for British Justice. He trusted those who made the above promises and they have failed him. With reference to the aforegoing and all that has taken place concerns him alone for the present - he is master of his own actions. I daresay he knows what he is going to do.

As for me - I am independent of him - and have said nothing - legally I have lots to say, the Govt: seems to have overlooked this fact. Have I, as I say, not suffered mentally and bodily, for the last 6 years, and have been terrorised out of my life by bullets being fired through the roof. There is one thing I want to impress on Your Highness & that is, I want nothing from Govt: in the shape of sympathy or charity. I am a peaceful living English woman - out with my husband for British Justice, but what did we get in the end ? We were turned out of our home. after 6 years, after being criminally intimidated, insulted and ruined by gentlemen representing the Govt., some of whom liked FOWLS which they did not pay for! However, I am going to speak the truth, come what may, of this unspeakable conduct towards us. If the gentlemen concerned think I am going to remain quiet they are much mistaken in an independent woman.
I am leaving for Delhi soon with all my letters and papers, and then to England, with them.

I have the honour to be,
Yours faithfully,

Hanele Somerset Mitford
(Mrs)

Copy of a letter from the Chief Secretary to Govt:

Camp Mysore- 22-10-1937.

Dear Sir,

I am desired to acknowledge receipt of your letter d/-7th instant and to state as follows:--

Throughout our discussions, I made it clear to you on more than one occasion that Govt: were not prepared to enter into a discussion with you regarding the merits of the cases pending before the Courts, which they had absolutely no objection to ~~you~~ be proceeded with. Any help which the Govt: might be agreeable to give you would be entirely as a matter of compensation in consideration of your hardships you represented you had unde: gone without conceding any of your legal claims. It is a matter of surprise, therefore, that it should have been represented to the Court on your behalf, that the suit would be withdrawn as a result of a settlement out of Court,

I am, however, glad to inform you that your prayer for financial help is receiving favourable consideration at the hands of Govt:.

In this connection I am to suggest your calling on me at the Public Offices, Bangalore, on Monday the 25th inst. at 1 P.M.

Yours sincerely.

Signed:- B-T-Kesava Inengar

To,

J.S.Midford Esqr.
Gudadahalli Estate,
Dodballapur Taluk.

* It is not true that my husband ever asked for financial help and me moved at all ask the Government to Promise this! What next will they say?

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Note.

The Heart of India Mission owned buildings in two places in Dodda Ballapur. One group of buildings was situated in Basettahalli village by the side of the Bangalore Doddaballapur Road, and the other group of buildings in Arehalli-Guddadahalli village on the loop-road connecting Dodda Ballapur Devanahalli Road with Bangalore - Dodda Ballapur Road. The former included a bungalow with living and School rooms, chapel etc. attached, which went by the name of the Children's Paradise, a dispensary, Doctor's quarters, Servants quarters and a garage. The other group of buildings went by the name of Boys' Home buildings and included a bungalow, living and School rooms, called the Boys' Unit, a Chapel and a few other minor buildings. The children's Paradise buildings stood on a plot of land measuring 13 acres. There is a mango garden attached to the property and measuring 14 acres and 8 guntas. The Boys' Home buildings stood on a plot of land measuring 59 acres and 37 guntas.

The Government of Mysore

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had made a contribution of Rs. 10,000/- towards the cost of the building known as 'Children's Paradise', and a grant of Rs 6,000/- towards the Boys' School and Hostel. The terms of the grant were different in each case. While under certain circumstances, the Government could summarily take possession of the 'Children's Paradise' in the Girls' Home in respect of the grant of Rs 10,000/-, the Govt has no such power of resumption of the Boys' School and Hostel in respect of the grant of Rs 6000/- but could only recover the money from the owners of the building for the time being. For want of funds, the Heart of India Mission was compelled to close down the institutions, and as per the terms of the agreements referred to above, the Mission had to refund Rs 16,000/- to the Government. In view of the Government's lien on the buildings, the Amildar, under orders of Govt took possession of the buildings (i.e. the buildings in Basette Khali and the Boys School in Arenakulli). After some negotiations, it was decided

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that the Mission should transfer their entire rights over all the properties to Government on receipt of a further sum of Rs 2000/—. Accordingly under a registered Sale deed dated 28.4.1933, all the properties of the Heart of India Mission Band at Dasavallapuram were purchased by Government from Mr. Borthwick of the Mission.

In the meantime Mr J.C. Mitford was found to be in wrongful possession of the bungalow & other buildings (except the

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of Government in October 1936. Mr. Milford says in his petition that, aggrieved by said decree, he has filed an appeal before the High Court, and the same was returned for presentation to the District Court; and that the appeal is now pending before the District Judge's Court, Bangalore. It may be observed that Government have not, so far, received any notice of this appeal while O.S. 77/1933-34 was pending in the subordinate Judge's Court; the Rt. Mr. Milford took it into his head to file a Counter Suit against the Government and the Mission, in the District Judge's Court, Bangalore (O.S. 19 of 1935-36) for specific performance of the agreement of Sale & for possession of the properties, which has already gone to the possession of Govt., and for an injunction restraining the Government from interfering with his possession of the properties, which were the subject-matter of the suit in O.S. 77/1933-34. The case is being contested by the Mission and

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the Government and is still pending.

The agreement of 1.7.31 on which Mr Midford relies, is an unregistered document and by reason of the provisions of the Transfer of Property Regulation and the Registration Regulation, the suit based on such an agreement is not maintainable. Moreover the said agreement seems to have been cancelled by the plaintiff himself by his letters dated 28.8.31 and 20.6.32. The earlier letter shows Mr Midford willingness to purchase only the Boys' Home and that too, for Rs 3000/- while the later letter wishes. Mr Midford's inability to pay the purchase money and to complete the transaction. He consequently expresses his willingness "to pay Re 1/- as rent per year from 1st January 1932." The allegation in para 15 of the petition about Government's willingness to accept Rs 6000/- is not correct. The Govt had merely expressed their willingness to relinquish their lien on the Boys' Home suit, if Mr Midford paid back the grant of Rs 6000/-. He did not pay the amount and asked for extension of time, and this was refused by Government in their letter of 11.4.33. The suit by Govt was files in March 1934. It is not therefore

NOTE—Contn. Sheet.

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Correct to say that Govt precipitated the cause by filing the suit against him ~~Hearing~~ Hearing that he may not succeed in the cases pending before the District Judge's Court, Mr Nicholson seems to have presented the present petition and says that he is prepared to have any settlement with the Government which is equitable and just.

It is a pity, however, that in his petn, Mr Nicholson makes wild allegations against various Government officers, questions the impartiality of the Collector, Madura, and attributes unrighteousness and want of good faith to Govt in the matter of entering into the sale transaction in question and in conducting the civil suits.

POKR
14.5.30

Mr.Midford met the Chief Secretary at 1-30 P.M. on 14.7.37.

He represented that he had been persecuted by Messrs.Paul Chinnappa, Isaac and others as representatives of Government and put to considerable hardship and that Government should take severe notice of their conduct and give him necessary relief in that behalf. The Chief Secretary replied that the alleged wrong doers had no authority from Government and if they beheaved in the way alleged by Mr.Midford, they did so in their private capacity and it was open to Mr.Midford to have taken necessary steps against them at the proper time. He further remarked that though in the circumstances narrated before him, he sympathised with Mr.Midford, Government could not do anything in the matter at this distance of time.

Mr.Midford next made some representations about the litigations between him and Government. He said that Mr.Bor[illegible]rwick from whom the Government purchased the property had no power of Attorney from the Heart of India Mission, and as the sale was effected by an unauthorised person the sale was invalid and the Government derived no right under the sale. He was told that the sale had been declared to be valid by one Court and the same question was being agitated in another court and that he might substantiate his contentions there.

Mr.Midford next represented that he had been put to a lot of expense in conducting the litigations, and that he had not enough funds, even to prosecute the case now pending in the District Judge's Court and that he was

also troubled by the fact that at any moment he may be ousted from the property by virtue of the decree in favour of Government. The Chief Secretary told him that the question had became further complicated by the fact that the Government had entered into an agreement of lease with the Y.M.C.A. authorities and that as per the agreement the Government were under an obligation to put the latter in possession of all the properties they had purchased from the Mission, and that the Government could not also afford to keep the decree unexecuted, as it might otherwise get barred by time. The Chief Secretary further said that if Mr.Midford would voluntarily give up possession of other properties (except the bungalow he was living in) decreed in favour of Government, he would submit to Government for their consideration the question of allowing Mr.Midford to continue to occupy the bungalow (pending disposal of the original suit in the District Judge's Court) on terms to be mutually agreed upon, provided that the Y.M.C.A. authorities are also agreeable. He also assured Mr.Midford that he would submit for the consideration of Government, the question of giving him, as a matter of grace, any money help to tide over his present financial situation.

BKR
16-7-31)

Chief Secy)

16/7

(·/25

Mr. Midford met the Chief Secretary again to-day at 2 P.M. After some discussion, he told the Chief Secretary that he was prepared to give up possession of all the properties decreed in favour of Government if about a month's time was granted to him for the purpose, and that he would appear in Court tomorrow and make a representation to that effect. He also requested the Chief Secretary that a recommendation may be made to Government to give him financial help in view of the various difficulties and harassments he has undergone. The Chief Secretary told Mr. Midford that the Public Prosecutor would be instructed not to oppose his motion in Court for a month's adjournment to give up possession of the properties, and that he would also submit for consideration of Government, the question of granting some financial help to him.

BWR
30.9.3)

Chief Secy)

MS
30/9

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Mr. Midford met the Chief Secretary again today. He said that on a careful consideration of all the circumstances, he had come to the conclusion that he would withdraw from the proceedings now pending before the Court and would also unconditionally give up possession, before the end of this month, of all the properties decreed in favour of Government. He prayed, however, that in view of the various hardships undergone by him and his present financial position, Government may be pleased to grant him some adequate financial help.

The Chief Secretary said that he would place his representations before Government for their favourable consideration.

BKR
1.10.57

Chief Secy)

MS
1/10

(125)

Mr. Midford met the Chief Secretary at 1 P.M. to-day.

At the outset Mr. Midford expressed regret that the statement on his behalf in Court on 6th October 1937 should have created an impression that the Government was a party to the settlement, while the proposed withdrawl of the suit was purely a voluntary act of his. He said he would have this matter cleared on the next date of hearing.

The Chief Secretary then remarked that the Government were pleased to order payment of Rs.1,500/- to him as a matter of grace and also to forego the costs and mesne profits due from him. As desired by the Chief Secretary, I read out the draft Government Order which had by then been approved and I also explained the Government Ord to Mr. Midford. He was immensely satisfied to find that the Government were very considerate and that he was to be benefitted in all to the extent of Rs.2,250/- or more. He expressed his thanks and said he would unconditionally withdraw the suit and also handover the properties which had been decreed in favour of Government and whic were still in his possession and would come to Bangalore and settle down there.

DSKR
25.10.37

Chief Secy)

MS
25/10